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THE

PRINCIPLES

OF

ASIATIC MONARCHIES,

POLITICALLY AND HISTORICALLY INVESTIGATED,

AND CONTRASTED WITH THOSE OF THE

MONARCHIES OF EUROPE:

SHEWING THE DANGEROUS TENDENCY OF CONFOUNDING THEM IN THE ADMINISTRATION OF THE

AFFAIRS OF INDIA:

WITH AN

ATTEMPT TO TRACE THIS DIFFERENCE TO ITS SOURCE.

BY ROBERT PATTON, ESQ.

AUTHOR OF AN HISTORICAL REVIEW OF THE MONARCHY AND REPUBLIC OF ROME.

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PREFACE.

THE following Work was not intended for separate publication, but formed a part of an historical undertaking of higher interest, and much greater extent; the object of which was, to trace the Monarchies of England and of France (so illustrative of each other) from their common origin, through all their deviations and mutations, step by step, to the form they respectively acquired; the first, in the unrivalled constitution of England, and the latter in the French Monarchy, which has been so recently destroyed. A late publication* inculcates, I think successfully, the universality of the effects of property; to which too little attention has been paid by political and historical writers, in accounting for the occurrences of ancient times, particularly in the early periods of the history of

* Effects of Property upon Society and Government.

Europe. To detect the influence of so powerful a cause, in its uniform operations upon society and government, first prompted this historical undertaking ; and the result has exceeded my expectations. At every step, the effects of property are apparent, upon manners, customs, civilization, and government, in all nations, and in all ages.

It is unfortunate, that historians, in their investigations into the transactions of antiquity (where their conclusions seem so much to be the dictates of conjecture), have not placed more reliance upon this genuine source of national bias and character, in the explanation given of doubtful and distant events, which, I am persuaded, would have obviated many difficulties and mistakes. From this consideration, I have directed my attention particularly to the state and to the effects of landed property, to elucidate obscure and uncertain national transactions ; and I am astonished at the conviction it has produced. Wherever the operation of this powerful cause can be resorted to, it irradiates truth, and, like the touch of ITHU-

RIEL's spear, unmasks falsehood, and detects error. With such an effect, either supposed or real, I have been encouraged to prosecute my undertaking; and, having arrived at a particular period of the history of Europe, I imagined that my general subject would be illustrated by a comparative inquiry into the state of landed property and government in Asia.

Such was the circumstance which gave occasion to the present investigation; which, having been read by a friend, who has himself examined, with assiduity and success, the existing state of Eastern Governments, he thought that this spontaneous inquiry, arising from considerations which relate to general history, unallied to the local prejudices, or party disputes, of India, and founded upon the broad basis of Asiatic institutions, might have some effect in correcting the erroneous opinions which appear of late to have dictated the administrative measures of British India; or, at least, that it might tend to remove the cloud of mystery with which these subjects, of so much national importance, are involved, and concealed from the common

comprehension of Englishmen. The subject, too, it was thought, might, even now, attract some regard; standing, in the rank of national importance, secondary only to the present eventful war, which, for so long a time, has arrested, and almost wholly engrossed, the public attention.

Perhaps too easily persuaded, that such possible effects might result from my inquiries, I have been induced to prepare them, by some alterations, and considerable additions, for separate publication; in the double view, of discriminating the Principles of *Asiatic* from those of *European* Monarchies, and tracing the difference between them to its source; and of laying before the public, a specimen of the test I have employed for the discovery of historic truth; in an instance, however, that, I am aware, will not readily be abandoned;* since prejudice has so long held possession, as almost to establish her right against truth, upon the plea of *prescription*. With respect to the principal Work which is here mentioned, I prosecute it from motives of self-gratification, to fill up the vacant

* The Origin of Fiefs in Europe.

hours

hours of leisure time, and without any view to publication. A work of investigation and research, it is almost impossible to render entertaining or popular. The precious ore of Truth lies deep, and must be dug for; the flowers which attract general admiration, are all gathered on the surface.

In the present Work, however, I may promise some profit to the reader, in the numerous quotations he will find from other writers; which were indispensable for the establishment of facts, that would have been of no avail, if stated by myself; and I claim some merit in the collection, as the subject to which they apply, so little attracts the attention of writers.

The various notes, for the purpose of elucidation and confirmation, are printed on the same page, as they are essential for the information, as well as the satisfaction, of the reader. I have followed, in respect to them, the same rule as in a former publication: when the note contains information, the reference is made by letters within crotchets; when barely a book, or page, is referred to, the common marks of reference are used.

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THE

PRINCIPLES

OF

ASIATIC MONARCHIES,

&c. &c.

PART I.

THE GENERAL STATE OF LANDED PROPERTY IN EUROPE, AND IN ASIA—PASTORAL TRIBES IN ASIA—OF LANDED PROPERTY IN TURKEY, SYRIA, MODERN EGYPT, ANCIENT EGYPT, ANCIENT PERSIA, MODERN PERSIA.

THE uniform effect which landed property produced upon all those pastoral tribes who subdued the agricultural provinces of the Roman empire, was, by creating inequality of rank among them, to form at last great land proprietors, who, rising into competition with the crown, assumed independence of its authority, and, in process of time, in every state of Europe, sooner or later, abridged all the proud prerogatives of royalty. Of this progress, a detail has been given in the

 preceding

preceding part of this work, comprehending the western empire under the extended government of France, and the peculiar circumstances of the kingdom of England anterior to the Norman conquest, to which the situation of the kingdom of Scotland bore a very near affinity. But in all the kingdoms and empires of Asia, and a part also of Africa, where agriculture and civilization had been systematically established for ages, even previous to the existence of the Roman empire, no such effects have been produced. In all that immense extension of country, as far back as history can reach, perpetual sovereignties have existed with undiminished power and splendour, without the occurrence of any degree whatever of limitation, alteration, or restraint. These very dissimilar effects, proceeding from circumstances and causes so apparently the same, have constituted a problem in history of very difficult solution, which, as far as I know, has not hitherto been satisfactorily explained. But the lights that have of late been derived from India, elucidating the circumstances of landed property there, and the application of the same principles to the other governments of Asia, supported by the evidence of authentic information and history, seem to supply the means of reconciling all these difficulties, and of accounting for the opposite circumstances which have attended *European* and *Asiatic* monarchies.

The

The causes of this remarkable difference will probably be found to have principally depended upon the previous situation of the Eastern countries; concerning the constitution of which, we are in a great measure left without any certain information, from the immense antiquity of events, and our total ignorance of the occurrences which attended the early appropriation of land there, and the first formation of agricultural society. A learned and eloquent modern writer, alluding to the literary researches in India, says, that "the records have been partly opened to us of those mighty empires of Asia, where the beginnings of civilization are lost in the darkness of unfathomable antiquity." * We must, therefore, attend to the information which history affords, and carry our researches backwards only as far as her reflected light may enable us to tread with some degree of confidence in the regions of conjecture.

The conquests of the Roman empire had established agriculture and civilization throughout all the kingdoms and provinces of Europe; concerning which, the Romans themselves have given us ample information. When these states came to be subjugated by the pastoral tribes from Germany, an uniformity was produced in the changes which naturally took place among this new people, upon their first acquisition of landed property. But we are left in darkness respecting

* Dr. ROBERTSON's Disquisition on India.

the first formation of the agricultural system of Africa and Asia, which, for a series of ages, had been prevalent and permanent. All that we know is, that, throughout that immense expansion of country which is denominated Asia, including a part also of Africa, extending from the Mediterranean, the Euxine, and the Caspian seas, on the north, to the Indian ocean on the south, and from Africa on the west, to the farthest boundaries of China on the east, the form of monarchical government is every where prevalent; and, wherever agriculture has been established, the property of the land is vested in the prince, and the land-rent forms his principal revenue, precluding the possible existence of great land proprietors: and hence, in all those governments, no limitations or restraints have ever been imposed upon the sovereign power, which has incessantly and invariably continued arbitrary and absolute. [a]

There are, indeed, some tracts of country, both in Asia and Africa, which have remained in an uncultivated state, the lands being common, and inhabited by pastoral tribes, who must therefore, under whatever denominations they may be

[a] For the absolute state of those monarchies at present, we have the current accounts of travellers: for the same having been their situation in past times, we have the evidence of ancient history, both sacred and profane. Even in the writings of HIPPOCRATES there occurs an assertion, that the governments of the Asiatics "are all despotic, and subject to the arbitrary will of Kings."—De Ære, locis et Aquis.

known,

known, bear a strong resemblance to one another; their civilization being imperfect, and their attainment of knowledge limited, beyond which it will be found impossible for them to make any further advances, until, by cultivating the earth, they shall have enlarged their knowledge of property. These different tribes are to be seen migrating in Arabia, or inhabiting the skirts of Syria, or occupying the extensive plains of Tartary, which border upon the empires of China, and Persia, and Hindostan; to which countries they have occasionally supplied conquerors and kings; but without altering the general principles of the government depending upon the disposal of landed property. In the pastoral state of society, the civil liberty of the individual is much better preserved than in the more civilized governments of Asia. The knowledge of property, particularly of landed property, which is so necessary to the improvement of intellect, is but too frequently the concomitant of tyranny and oppression. That these circumstances may not rest simply upon my assertion, I shall make some extracts from writers of reputation, who bear testimony to the facts that are stated, apparently, without being conscious of the cause.

The learned Sir WILLIAM JONES, in his Dissertation upon the Arabs, says, " the manners of the Hejazi Arabs, *which have continued, we know, from the time of Solomon to the present age*, were by

no means favourable to the cultivation of the arts; and as to the sciences, we have no reason to believe that they were acquainted with any; for the mere amusement of giving names to the stars, which was useful to them in their pastoral or predatory rambles through the deserts, and in their observations on the weather, can hardly be considered as a material part of astronomy."—Of the Tartars he says: "We readily believe those who assure us, that some tribes of wandering Tartars had real skill in applying herbs and minerals to the purpose of medicine, and pretended to skill in magic; but the general character of that nation seems to have been this: they were professed hunters or fishers, dwelling, on that account, in forests, or near great rivers, under huts or rude tents, or in waggons drawn by their cattle from station to station; they were dextrous archers, excellent horsemen, bold combatants, appearing often to flee in disorder, for the sake of renewing the attack with advantage; drinking the milk of mares, and eating the flesh of colts; *and thus, in many respects, resembling the old Arabs*." *—Mr. VOLNEY, who describes the living manners he had seen, gives the following account of the Arabs: "In general, when speaking of the Arabs, we should distinguish whether they are *cultivators* or *pastors*; for this difference in their mode of life occasions so great a one in their man-

* Asiatic Researches, vol. i.

ners and genius, that they become almost foreign nations, in respect to each other. In the former case, the social state in which they live, very nearly resembles our own; in the second, their mode of existence is neither that of polished nations, nor of savages." Of the *Bedaoui*, or the inhabitants of the desert, he says: "We may assert, they have in every respect retained their primitive independence and simplicity. Every thing that ancient history has related of their customs, manners, language, and even their prejudices, is almost minutely true of them at this day." He adds: "This unity of character still subsists, even in the most distant situations; that is, the tribes most remote from each other preserve an exact resemblance; a subject of most curious inquiry!" So this writer exclaims; but as it certainly depends upon the state of property among them, the cause being simple, the effect must be uniform. [b] Herodotus, in his history, thus describes

[b] Captain Patton, upon the *Effects of Property*, makes use of the same illustration, in describing what must be the situation of *pastoral tribes*, from their circumstances, in respect to property, which Mr. Volney here uses, when he is describing what he had actually found it to be; a coincidence somewhat remarkable, and strongly corroborative of the solidity of the principles upon which so correct a judgment was formed. I transcribe the passage from the Effects of Property, part I. p. 20. "Some authors, who have written on the legislation of nations, have supposed it to be regularly

scribes the Scythians: "They have no towns, nor fortified cities; their habitations they constantly carry along with them; their bows and arrows they manage on horseback; and they support themselves, not by agriculture, but by their cattle: their constant abode may be said to be in their waggons." *—How exactly does this agree with the present state of the Tartars, as described by Sir W. JONES!

It has already been observed, that the principle upon which all the regular Asiatic governments were founded, was an established rule that the property of the lands of the state belonged exclusively to the public; and as all those governments assumed a monarchical form, the sovereign, in fact, became the universal proprietor of the lands, the rents of which formed his most essential revenue for the protection and defence of the state, and the support of his own authority; which last they certainly most effectually accomplished, in respect, at least, to internal competition; because,

progressive, from the rude state of nature to the most refined state of society; without attending to the cause of this progress, or perceiving that nations may remain stationary, with respect to civilization and useful knowledge, although there are countries in the world, the inhabitants of which have, for thousands of years, continued *in a half rude and half civilized state*, without experiencing any alteration whatever; and this obviously, from their continuing to have, in all that time, the same limited dependence upon property."

* BELOE's translation, b. iv. entitled Melpomene.

by

by absorbing the property of the land, he necessarily engrossed every source of influence and power. But there is a fallacy in the language commonly made use of upon this subject, by which writers not only mislead their readers, but seemingly deceive themselves. The word *revenue* is generally employed to express all the stated payments made to government; in which sense it is applied to the land-tax of Europe, which is a certain proportion of the rent of land, according to a stated assessment, that is paid by the private proprietor to the state. The same word, *revenue*, being applied also to the payments which are made from the lands in Asia, these two cases are confounded, and supposed to be exactly alike; but the material difference between them is, that the Asiatic payment is not a *part*, but the *whole*, of the rent produced by the land, which the government actually receives in right of the property; for which reason it would be more perspicuous, and less deceptious, to Europeans, if, in this latter case, the word *rent* were uniformly substituted for the word *revenue*, where the payment from the lands is meant to be expressed. Now, in the different governments of Asia, the mode of drawing and receiving this rent is very different; and upon this important circumstance depends wholly the merit or the demerit of the government, and the existence or the non-existence of

actual permanent property among the various inhabitants of that portion of the earth.

Under the government of Turkey, the rent exacted for the possession of the lands, seems to have obtained the name of *miri*, which travellers have disguised by the appellations *tribute*, *impost*, *tax*; whereas it is literally the rent paid for the privilege of labouring the soil. Sultan SELIM, upon conquering Syria, seems to have regulated it somewhat in the same manner that the great AKBER regulated the rents of lands in Hindostan; but from a different model. Mr. VOLNEY says, "SELIM gave orders to prepare a *defter*, or register, in which the contingent of each village should be set down. In short, he established the *miri* at an invariable rate, and ordered it should neither be augmented nor diminished."—This, it would appear, is still the established rent; but the pachas, or their agents, who make good this rent to government, have introduced a multitude of charges, which, "without the name, produce all the effects of an augmentation." [c] The revenues in general, and more especially the land-rents of the state, under the government of the Porte, are collected or realized by pachas; who unite in their

[c] To such gentlemen as are conversant in the history and detail of the Bengal revenues, this may suggest the idea of the origin of those augmentations by the zemindars, which have been named *aboabs*.

persons

persons the dignity and power of a viceroy, with the superintendance of the collection of the land-rent and revenues, combining in their persons the double duties of the subahdar and the dewan of Hindostan; which makes their situation extremely dangerous to the state, by inviting the assumption of independent authority: [d] to prevent which, recourse is had to the defective policy of limiting the office to a short duration of time. Mr. VOLNEY says, "custom requires that the commission of pacha should be only for three months; but it is frequently extended to six, and even to a year." I believe we may add, that when it is self-continued, which has sometimes been the case, its duration may be indefinite. But the abbreviation of the appointment, which well-founded apprehension renders expedient, has the effect to multiply upon the wretched renters and inhabitants the oppressions of this transient representation of majesty,

[d] According to Mr. VOLNEY's account, Syria was divided by SELIM into five *pachalies*, viz. Aleppo, Tripoli, Said (now changed to Acre), Damascus, and Palestine. But in Aleppo, the pacha had not the collection of the revenues, for which a separate officer was appointed, under the name of *mohassel*, who enjoys a lease for one year, paying a certain sum to government, for which he draws all the duties, consisting of import and export customs; taxes (more properly *rents*) for pasture from the Turkmans and Curds (pastoral tribes); the fifth of the produce of the salt works at Djebul; and, lastly, the *miri* (styled) the land-tax, but which is more properly the rent paid for agricultural lands.—Vol. ii.

majesty, which, during its official existence, has the power to exercise, and, of course, to abuse, the authority of the sovereign, who is the supreme arbitrary lord of all property, both permanent and movable, within his dominions. [e]

The foregoing account applies to the tract of country that is level. Mr. VOLNEY remarks, that wherever cavalry can act, slavery may be en-

[e] To state the fact, I must include the reasoning in the following passage, whether it be well or ill founded: "The Sultans having arrogated to themselves, by right of conquest, the property of all the lands of Syria, the inhabitants can no longer pretend to any real, or even personal, property: they have nothing but a temporary possession. When a father dies, the inheritance reverts to the Sultan, or his delegate; and the children can only redeem the succession by a considerable sum of money." VOLNEY, vol. ii. p. 402.—The same author observes, that, under the pachas, there is a succession of subordinate officers, of whom he says: "Each of these is the exact image of his next superior. It is still the Sultan who dictates and commands, under the varied names of *pacha*, *motsallam*, *kaiem-makam*, and *aga*; nor is there one in this descending scale, even to the *delibashe*, who does not represent him." The language is still, *it is the will of the Sultan*. Of the pacha, he says: "All power is united in his person: he is chief, both of the *military* and the *finances*, of the police, and criminal justice; he has the power of life and death; he has the power of making peace and war: in a word, he can do every thing." Ibid. p. 376.—I suspect, however, that the principles of the government existed in this country, previous to the conquest of the Ottoman Turks. It is the modification which proves destructive of all property.

forced,

forced. "Plains," says he, "are the habitations of indolence and slavery, and mountains the country of energy and freedom." [f] The mountainous parts of Syria are differently governed by the Turks: they are inhabited by several distinct nations, whom Mr. VOLNEY particularly specifies; the modifications of whose internal government, seem to throw considerable light upon the effects that are produced by the state of property. The general Asiatic principle, however, of the sovereign's claim upon the property of the soil, seems to be admitted by them, since they acquiesce in the payment of the *miri*, or land-rent; but in the reduced form of a tribute; reserving the detail and internal management entirely to themselves, under their own distributive administration, with which the officers of government were not permitted to have any interference or concern. [g] I shall transcribe such passages from Mr. VOLNEY's work, as seem to be illustrative of the general subject under consideration.

[f] Mountains are the country where a few men may defend themselves against a great many; and men do not become abject until they are subdued.

[g] This appears to me to have been the manner in which the tribute of most of the rajahs of Hindostan was paid to the *Ghiznian*, the *Ghorean*, and the *Patan* emperors, who acquired the sovereignty of that country, previous to the establishment of the Mogul empire.

The *Ansarians* are cultivators of the soil, who occupy a territory forming a chain of mountains from Antakia to the rivulet Nahr-il-kaber. "Their country is divided into three principal districts, farmed by the chiefs, called *Mokaddamim*. Their tribute is paid to the pacha of Tripoli, from whom they annually receive their title." * The *Maronites* are situated between the *Ansarians* on the north, and the *Druzes* on the south. "The subjection of the Maronites only consists in the payment of a tribute to the pacha of Tripoli, of whom they hold their country, which he annually farms out to one or more shaiks, that is to say, persons of eminence and property, who assign their respective shares to the districts and villages. This impost is levied chiefly on the mulberry-trees and vineyards, which are the principal and almost the sole objects of culture."—"The whole nation consists of cultivators: every man improves the little domain he possesses or farms, with his own hands. Even the shaiks live in the same manner; and they are only distinguished from the people by a bad pelice, a horse, and a few slight advantages in food and lodging."—"Property is as sacred among them as in Europe; nor do we see there, those robberies and extortions, so frequent with the Turks." They go

* Vol. ii. p. 8.

always

always armed, and can muster about 35,000 men fit to bear arms. They inhabit part of Mount Lebanon.*

The Druzes resemble the Maronites. IBRAHIM PACHA, under AMURATH III. subdued them. "To simplify the administration, he permitted them only to have one chief, who should be responsible for the tribute, and execute the office of civil magistrate." This chief is chosen from the Druzes, and he makes their power more formidable by uniting it. "The greater part (of them) are cultivators, either as farmers or proprietors: every man lives on his inheritance."—"It appears that at first all the lands were, as formerly in Europe, in the hands of a small number of families: but, to render them productive, the great proprietors were forced to sell part of them, and let leases; which subdivision is become the chief source of the power of the state, by multiplying the number of persons interested in the public weal. There still exists, however, some traces of the original inequality, which, even at this day, produces pernicious effects. The great property possessed by some families, gives them too much influence in all the measures of the nation; and their private interests have too great a weight in every public transaction. It must be owned, however, that possibly to this conflict between

* Vol. ii. from p. 15 to p. 19.

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contending parties, the whole nation owes the good fortune *of never having been enslaved by its chief*." The chief is called *Hakem*, or *Emir*: he is head of the civil power, and names the *Cadis*, reserving to himself the power of life and death. "He collects the tribute, from which he annually pays to the pacha a stated sum." The tribute is imposed on mulberry-trees, vineyards, cotton, and grain. All sown land pays in the proportion of its extent; every foot of mulberries is taxed at three *medins* (not quite two-pence); a hundred feet of vineyards pays a *piastre*, or forty *medins*. Fresh measurements are often made, to preserve a just proportion. The shaiks and emirs have no exemption in this respect; and it may be truly said, they contribute to the public stock in proportion to their fortune. Each man pays his collection at Dair-il-kamer, if he please, or to collectors of the prince, who make a circuit round the country. The surplus of this tribute is for the prince; so that it is his interest to reduce the demands of the Turks; as it would be likewise to augment the imposition; but this measure requires the sanction of the shaiks, who have the privilege of opposing it: their consent is necessary likewise for peace and war. In these cases, the emir convokes the general assemblies. Their numbers are about 120,000: the extent of their country 110 square leagues. "Whence arises then," says Mr. VOLNEY, "such a number of

inhabi-

inhabitants within so small a space? I can discover no other cause than that ray of liberty which glimmers in this country." The reader will observe the situation of landed property among this people, which (exclusive of the tribute paid to the Ottoman government) not a little resembles that of the European states. Even the accumulation of property by individuals to a great degree, had taken place among them, which the spirit of despotism seems to have been at pains to correct. The author remarks, that they greatly excelled their neighbours in courage, and a manly spirit of independence. "It is remarkable," adds he, "that though their form of government is nearly similar, the Maronites do not possess these qualities to the same degree." There appears to be a shade of difference in the constitution of their internal government, which may, I think, account for this circumstance. [h]

The greed of the Ottoman government seems irrational and blind, impatient to acquire, without thinking of redress, and grasping at the present, regardless of the future. Hence that total want of system which annihilates private property, degrades human nature, and dulls intellec-

[h] Where quotation marks are used, the exact words of the author are transcribed; but even where his matter is abridged, his language is, in general, preserved.

tual capacity; [i] but which does not necessarily attend this principle of government, placing the property of the land in the power that governs; of which we shall see modifications consistent with the existence of private property, and the exercise of superior intelligence. Such probably was the condition of ancient Egypt; although, at present, its fate may seem to be reversed. The same improvident system which prevailed in Syria (according to Mr. VOLNEY), with multiplied mismanagement, is extended into this country by the Turks. The beys, he says, by the institutions of SELIM, were only civil officers appointed for the collection of the revenues, who are now become potent chiefs, with military command. The military became subservient to the beys, according to his statement, when the military commanders obtained permission to hold land and villages.

[i] The following paragraph occurs in Captain PATTON's Investigation of the Effects of Property, part I. p. 22. "In Turkey, for example, the Grand Seignor pretends to an exclusive right to the property of the lands; and his principal officers, whom he plunders at pleasure, are allowed in their turn to oppress his subjects, and render their property extremely insecure: the consequence must be, according to the theory laid down, that such a nation will remain in a very imperfect state, with respect to civilization and useful knowledge: and that Turkey has actually done so, is confirmed both by the history of the past, and the experience of the present, times."

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" As these lands and villages," says Mr. VOLNEY, " depended upon the Mamlouk governors, it was necessary to conciliate them, to prevent their oppression. From that moment, the beys acquired an ascendancy over the soldiers, who, till then, had treated them with disdain; and this could not but increase, since their governments procured them riches." The tribute, Mr. VOLNEY observes, is now frequently intermitted, and always undergoes great deductions. " The beys, however, apprehensive of driving the Porte to adopt some violent measure, dare not declare their independence. Every thing continues to be transacted in the name of the Sultan." The Turkish troops are now degraded, and the whole military force in Egypt consists in the Mamlouks. " Some hundreds of these," observes our author, " are dispersed throughout the country, and in the villages, to maintain the authority of their corps, collect the tributes, and improve every opportunity of extortion; but the main body constantly remains at Cairo."—" The greater part of the lands are in the hands of the beys, the Mamlouks, and the professors of the law; the number of the other proprietors is extremely small, and their property liable to a thousand impositions. Every moment some contribution is to be paid, or some damages repaired: there is no right of succession or inheritance for real property; every thing returns to the government, from which every thing

must be re-purchased. The peasants are hired labourers, to whom no more is left than barely suffices to support life."* This account of Egypt, which rests upon the authority of Mr. VOLNEY, seems to be a perfect contrast to the accounts we have received of ancient Egypt.

It may be necessary for me to observe in this place, that I am not accountable for any mistakes or misrepresentations that may appear in the authorities I quote. My object is to obtain the most authentic information respecting the state of property in the different countries of which I treat; which is not a subject directly attended to by many authors; I am therefore confined to those who appear to me to have stated the most material facts for elucidating that general subject; whom it is impossible to accuse of having any intentional design to favour my opinions. The reader must be aware, that any statement of my own might be justly suspected of a fabrication, for the purpose of establishing the inferences I intended to draw. This consideration makes it necessary for me, as much as possible, to quote in the very words of the author. [k] In one part of this work, I shall have occasion to point out the bias which system has, seemingly, given to the

* VOLNEY's Account of Syria and Egypt, vol. i.

[k] Where I do otherwise, my motive is solely abbreviation.

representations (more properly the *misrepresentations*) of one of our most eminent historians. An intelligent and well-informed friend, who has himself been in Egypt, and who is distinguished for very superior powers of research, considering the statement which has been here given (which is not mine, but Mr. VOLNEY's) as defective, has favoured me with the following account of modern Egypt, which I gladly transcribe, as a valuable acquisition to my work.

" The Mamlouks of Egypt, before the conquest of SELIM, in 1517, formed a sort of military aristocracy, under the supremacy of a Sultan irregularly elected. The conqueror retained the old form of government nearly, but *altered essentially some of the constituent authorities.* The aristocracy was reduced to an oligarchy, consisting of twenty-four Mamlouk beys, each the ruler of a district, and represented there by a *cachef*, or lieutenant, with subordinate officers in all the provincial departments and municipalities. The beys, on the other hand, had a chief of their own, called sheik-al-belad, who was governor of the metropolis, Cairo; and all of them collectively, in the *divan* or assembly, holding their sittings in that city, governed the whole country, under the presiding authority of the *pacha*, the immediate representative and delegate of the Ottoman Porte.

" The fixed revenue-rent of the state, for civil, military, and ecclesiastical purposes, as then

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settled, did not exceed, in all, three hundred thousand pounds. It was paid by the *fellahs*, or old Arabian peasantry, in a certain proportion of the gross produce of the lands, according to yearly measurement, under the inspection and registry of *Copts*. One half of the amount, technically called *miri*, was considered the proportion due to the Grand Seignor, as sovereign; went to defray the expence of regular troops, the superior local administration, acknowledgment in corn to the *Shereef* of Mecca; and the remainder, in money, ought to have been annually remitted as tribute to the Porte; the other half was left under the denomination of *feyz*, or bounty in liferent-property, to individual members of the former, or newly-modelled government, whether in the capacity of *beys* or *cachefs;* doctors of the law or religion, called ulema; and zayms or timariots, being officers of the *feudal* militia. In process of time, as the influx of specie from America altered, the relative value of money, and the necessaries of life, in Egypt, as well as throughout all the commercial countries of the world, new imposts, on various occasions and pretences, were laid on the *fellahs*, or peasantry, under the general head of *mouzaif*, or augmentation on the former revenue-rent of the lands, though paid chiefly in kind in the *Said*, or Upper Egypt, from whence the regular military received the necessary supplies of grain. With this memorable change in the circumstances

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of society; and from the unbalanced powers in the original constitution of SELIM, great inequalities of fortune arose among the landed proprietors, which, though not according to our forms, possessing hereditary rights, attained the virtual power incident thereto, by the system of affiliation recognized by the Mamlouks. A revolution in government soon followed. IBRAHIM, *kiayah*, or commandant of the *odjacks*, or regular troops, besides his own property, had got assignments of land, in payment of the military establishment. He purchased, and trained up, a number of Mamlouk soldiers; and, in the end, obtained uncontrouled authority in the divan of Cairo, by removing such of the beys as opposed his ambition, and substituting others, creatures of his own, in their place. This man's power descended, by affiliation, thenceforward, to one or two of the order of beys, in irregular succession. The number of these members of the oligarchy, and the form of their proceedings, were continued; but the influence of the Porte was, in fact, annihilated, and the whole administration of the state, civil and military, fell into the hands of the sheik-al-belad, singly, or perhaps in division between him and the governor of Girge, being the capital of the *Said*, or Upper Egypt.

"Thus IBRAMIM and MORAUD bey were the efficient rulers of the country, when recently subdued by the French. The ancient peasantry had before

before been oppressed with immeasurable exactions in behalf of the state and various subaltern officers; their lands were disposed of in farm to others, or for arrears of rent. The utmost disorder prevailed in the finances; and though two-thirds of the lands and revenue-rent were then found to belong in direct property to the existing government, the actual gross receipts, including the undue exactions of the delegated cachefs throughout the several provinces, amounted only to about six hundred and eighty thousand pounds annually; and when, in time of peace, the customs, and other indirect duties, might swell the total to something more than a million; yet, in time of war, the net collections from every source, could not be calculated to exceed half a million sterling."

This account does not appear to me to be at variance with that given by Mr. VOLNEY, which goes no higher than the conquest of SELIM. He says expressly, that the appointment conferred upon the beys by SELIM, was *civil*, and for the sole purpose of collecting the rents and revenues of the state. What is expressed in the last account, does not contradict this assertion. SELIM is said there to have *altered essentially some of the constituent authorities*. Depriving the beys of military power would certainly produce this alteration, and may be taken as an explanation of this general expression. Mr. VOLNEY's account of the

the military having become subservient to the beys (of whom he represents them as, at first, completely independent) seems not improbable, and does not appear to be inconsistent with the other account. The power which the beys latterly assumed, as stated in the last account, proceeded directly from their acquisition and usurpation of the land and land-rents of the state; which enabled them *to annihilate the influence of the Porte* in Egypt. I shall, after having made these remarks, subjoin the paragraph with which this account closes.

"In so far, the financial history of Egypt resembled much that of the commercial provinces of Hindostan, particularly Bengal; though it be not ascertained, whether the same or similar rules protected the leasehold property of land in perpetuity to the peasantry, in the former as in the latter; but the recent catastrophe of the one, will, it is hoped, be long averted from the other, through the wisdom, and by the shielding power, of Britain."

Ancient Egypt was the country which resembled in so many particulars the empire of Hindostan, when in the zenith of native simplicity and glory. The same gods, the same customs, the same peculiarities, the same prejudices! a like veneration for the cow-species, which religion seems to have consecrated in both countries, for

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the encouragement of agricultural operations; [l] a belief in the metempsichosis; the division of the community into casts and tribes; the universality of hereditary descent-property; offices, professions, trades; all being continued from fathers to sons. [m] Of all these peculiarities, in respect to

[l] All authors give this explanation. I turn to one which happens to be most at hand; CATROU's General History of the Mogul Empire: "Cows are to be carefully nourished, and never eaten; they are to be preserved and reverenced as the mothers of men. This is rather a political than a religious law. Oxen, of all other animals, are of greatest use in the Indies," &c. p. 66.—In a note upon the Egyptian god, APIS, the translator of HERODOTUS's History remarks, "It has been generally allowed, that OSIRIS was reverenced in the homage paid to APIS. OSIRIS introduced agriculture, in which the utility of the bull is obvious; and this appears to be the most rational explanation that can be given of this part of the Egyptian superstition."—BELOE's Transl. b. iii. ch. 27.

[m] HERODOTUS and DIODORUS SICULUS both take notice of the division of the Egyptians into classes or tribes. Among the Hindoos there were four; the *Brahmin*, for the scripture or religion; the *Cshatriya*, from protection, that is, the military, including royalty; the *Vaïsya*, from wealth, including merchants, herds, and husbandmen; and lastly, the *Sudra*, from labour, being the servile tribe. The fiction is, that they proceeded respectively from the *mouth*, the *arm*, the *thigh*, and *foot*, of BRAHMA. See Ord. of MENU, ch. i. art. 31.—According to HERODOTUS, "The Egyptians were divided into seven classes: these are the priests, the military, herds-

to Egypt, ancient history bears ample testimony; and, among the Hindoos, the rules are deemed sacred, and rigidly observed, even to this day. Not less concordant were the two countries, in respect to the situation of landed property. Upon this subject we find, in HERODOTUS's history, the following passage regarding Egypt: "The same authority (the priests') informed me, that SESOSTRIS made a regular distribution of the lands of Egypt: he assigned to each Egyptian a square piece of ground; and *his revenues were drawn from the rent, which every individual annually paid him.* Whoever was a sufferer by the inundation of the Nile, was permitted to make the king acquainted with his loss. Certain officers were appointed to inquire into the particulars of the injury, that no

herdsmen, swine-herds, tradesmen, interpreters, and pilots." B. iii. ch. 164.—The following observation is made in a note upon this passage: "The division of the Egyptians was in fact but into three classes, the last of which was subdivided into others."—"The rank and office of every tribe was hereditary and unchangeable. This rule of invariable distinction prevailed no where else, except in India and in Egypt." BRYANT.—DIODORUS SICULUS seems to have divided the Egyptians into five tribes. After mentioning the *priests* and the *military* tribe, who were endowed with portions of land which paid no rent to the king, who was proprietor of all the other lands of the state, he says, "There are likewise other three bodies of the community, that of the *herdsmen* and that of the *land-labourers*, and, moreover, that of the *artisans*;" which are his words, literally translated. B. i. s. 2. ch. 25.

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man might be taxed beyond his ability."*—So exactly does this account, in my judgment, apply to Hindostan, that, if names and places had been omitted, it appears to me to be an accurate statement of the agricultural situation of that country. Upon the subject of ancient Egypt, we have other sources of information. When JOSEPH interpreted PHARAOH's dream, foretelling seven years of plenty, and seven years of famine, he advised the king in the following words: "Now, therefore, let PHARAOH look out a man discreet and wise, and set him over the land of Egypt: let PHARAOH do this, and let him appoint officers over the lands, and take up the *fifth* part of the lands of Egypt in the seven plenteous years."†—I conclude from this circumstance, that the fifth part of the produce was at that time the rent paid to PHARAOH. JOSEPH's after-measures established this point beyond all doubt. During the existence of the famine, the husbandmen were so reduced, that, after spending all their money, and disposing of their cattle, they, at last, offered their lands, and even themselves, to JOSEPH, for the means of subsistence; and he made use of this occasion, to fix more firmly their dependence upon the king, and to regulate a-new the rate of of rent to be paid for their lands. "And JOSEPH said unto the people, "Behold, I have bought you

* EUTERPE, b. ii. ch. 109.

† Genesis, xli. 33, 34.

this

this day, and your land, for PHARAOH: so here is seed for you, and you shall sow the land. And it shall come to pass in the increase, that you shall give the *fifth* part unto PHARAOH."—" And JOSEPH made it a law over the land of Egypt unto this day, that PHARAOH should have the fifth part; except the land of the priests only, which became not PHARAOH's." *—In the time of JOSEPH, the priests appear to have been the only order who enjoyed the absolute property of land; that is, who held land exempted from the payment of rent. The people in general, or the tribe of husbandmen, seem, like the *Ryots* in Hindostan, to have held the *possessory* property of the land; which, like them too, they could transfer; and they sold it to JOSEPH; but he restored it to them, with seed to sow it, only binding them more strongly to the obligation of paying the established rent to the sovereign.[n] In the reign of SESOSTRIS, we are informed by HERODOTUS, that the *soldiers*, as well as the *priests*, were exempted from paying rent for their lands.[o] This appears to

* Genesis, xlvii. 18, 20, 21, 22, 23, 24, and 26.

[n] The priests were supplied with food during the scarcity, by PHARAOH, which prevented them from selling their land; " for the priests had a portion assigned them of PHARAOH, and did eat their portion which PHARAOH gave them; wherefore they sold not their lands."

[o] "The soldiers and the priests are the only ranks in Egypt who are honourably distinguished: there each of them receive from the public a portion of ground of twelve acres, free

to have been a new establishment adopted by this king, whose particular history sufficiently accounts for it : [P] and, possibly, the new division and mea-

free from all taxes ; each acre contains a hundred Egyptian cubits, which are the same as so many cubits of Samos." B. ii. ch. 168.—It would appear also, that the military tribe, like the Rajahpoots of India, generally inhabited particular tracts of country. "Egypt," says HERODOTUS, "is divided into provinces, and the soldiers, from those which they inhabit, are called *Calasiriis* or *Hermotybies*. The Hermotybian district contains Busiris, Sais, Chemmis, Paprimis, and the island of Prosopis, and part of Natho. These avoiding all mercantile employments, follow the profession of arms. The Calasirians inhabit Thebes, Onuphis, Anysis, and Mysiphoris, which is an island opposite to Bubastis. In their most perfect state of population, these places furnish 250,000 men. Neither must these follow mercantile employments, but the son regularly succeeds the father in a military life." B. ii. ch. 165, 6.—DIODORUS SICULUS takes notice of the same distribution of the lands in Egypt. After observing that Egypt was divided into (thirty-six) provinces or governments, he says, that, by another partition, it was divided into three portions : the first belonged to the college of priests, &c. ; the second belonged to the king ; the third was for the support of the military, or of those who were liable to be called upon in time of war. I need not take notice, that there was no sort of equality in these divisions. It gives us, however, the authority of this writer, that such was the appropriation of the whole of the lands of Egypt ; and that, according to him, what paid a fifth of the produce, as rent or revenue, was the property of the king. DIOD. SIC. b. i. s. 2. c. 24.

[P] We are informed by DIODORUS SICULUS, that the father of SESOSTRIS, being impressed with a dream, at the birth of

measurement of land, mentioned by HERODOTUS in the passage before quoted, might have been in consequence of this allotment. By the quotations from Genesis, it appears that the previous rate of rent was continued.

The empire of Persia, comprehending the preceding and included empires of Assyria, Lydia,

of his son, that he was to become the conqueror, or sovereign of the world, took early measures to furnish him with advantages which might pave the way to so splendid a fortune. In this view, he collected all the children who were born in Egypt upon the same day with his son, and had them reared and educated, in common, along with him; as well to qualify them to discharge every public duty with ability, as to attach them personally to the prince, which would ensure him of their strenuous efforts in his service. When they had grown up, he sent them together upon an expedition into Arabia, under the command of his son; in which his expectations from him and them were completely fulfilled: after which, SESOSTRIS subdued the greater part of Lybia by the same means. Thus prepared and initiated in conquest, under the auspices of his father, when SESOSTRIS succeeded to the throne, he determined with confidence to set about realizing the prediction of his father's dream. He levied an immense army (600,000 infantry, 24,000 cavalry, and 27,000 war-chariots), made his companions the officers for disciplining and conducting it; whose attachment, formed in infancy, had been rivetted and confirmed by after-service and military success. The first step he took, previous to his departure, observes the historian, was to distribute among all his soldiers the most fertile of the lands of Egypt, so that their families being amply provided for, they might leave them with less regret, and devote themselves more entirely to the service of their king.

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and Medea, seem to have yielded the same species of revenue, formed from the rent of lands, both agricultural and pastoral. In some instances, these rents were paid in kind; and in some, partly in money, and partly in the produce of the lands. [q] The circumstance of the payments being made in the produce of the land, appears to me an evidence that these payments were *rent*; by which I mean, that they were the only payment which the cultivator or the possessor made for the right of cultivating or possessing his land; which establishes the absolute property of the land to have been vested in the government. The payment of land rent to the sovereign, is not here so directly mentioned by HERODOTUS, as it is in the instance of Egypt; but several passages in his history seem to imply it. Previous to the conquests of CYRUS, when Persia proper (which was but a province of the empire) was a separate kingdom, its inhabitants were described by SAR-

[q] The following extract is from Mr. ROLLIN's History, who treats these subjects evidently with European ideas: "The revenues of the Persian kings consisted partly in monies imposed upon the people, and partly in their being furnished with several of the products of the earth in kind; as corn, and other provisions, forage, horses, camels, or whatever *rarities* each particular province afforded." STRABO relates, "that the Satrapa of Armenia sent regularly every year to the king of Persia, his master, twenty thousand young colts." The word *rarities* may convey a wrong impression: none of the articles enumerated come under this designation.

DANES to CRŒSUS, in these terms: "Men who are cloathed with the skins of animals, who inhabit a country but little cultivated, live on what they can procure, not on what they wish." Of whom HERODOTUS adds: "It is certain that the Persians, before the conquest of Lydia, were strangers to every species of luxury: [r] and, in the advice which CRŒSUS offers to CYRUS, his words are: "Nature has made the Persians haughty, but poor. If you permit them to indulge without restraint this spirit of devastation, by which they may become rich, it is probable your acquiescence may thus foster a spirit of rebellion against yourself."* In such a country, where the people and their monarch are represented to have been equally abstemious and virtuous, the acknowledgment made to the sovereign, for the possession of their lands, might comparatively be very small, although it was the only land-rent that was paid. [s] When SMERDIS,

[r] Of the Lydians, HERODOTUS says, "They were the first people on record who coined gold and silver into money, and traded in retail." B. i. c. 71.—These circumstances seem to account for the immense riches of CRŒSUS.

* B. i. c. 89.

[s] Hardly any two countries can differ more from one another, than the inhabitants of the ancient kingdom, which was the after-province of Persia, did from those who are described as the subjects of the great extended empire, whose government, under this general name, included almost the whole of Asia that was then known. Of the first, it was said

MAHARAJA SERFOGI'S SARASWATI

SMERDIS, the magus and impostor, succeeded to CAMBYSES, HERODOTUS says, "He commenced his reign by publishing every where an edict, which exempted his subjects, for the space of three years, both from tribute and military service." This was evidently a bribe, to induce the people to be contented with his usurpation. But the indulgence he granted, demonstrates that such institutions then existed. What is particularly distinguished by the appellation of tribute (which is said in many instances to be paid in kind), appears to me to have been the *land-rent* payable to the crown. When DARIUS came to the throne, HERODOTUS says, he divided Persia (meaning the empire) into twenty satrapies. But this was only a new modification of an existing institution;

said that "the public good, the common benefit of the nation, was the only principle and end of all their laws; the education of the children was the most important duty of government. The boys were brought up in common, under a regulated discipline; the only food allowed them was bread, cresses, and water, to establish temperance; they were instructed in justice and virtue; as in other places the arts and sciences were taught, and the crime most severely punished among them, was ingratitude. After having learnt to draw the bow, and to fling the dart and javelin, they were exercised in military duty, and inured to fatigue; and then they were admitted to serve their country, and to acquire (as they might deserve) promotion." See ROLLIN's Anc. Hist. b. iv. art. 1. s. 1. How different were the Persians, who afterwards invaded Greece; who were characteristically described as luxurious and effeminate!

as a previous division had been made by CYRUS, of the empire, into a hundred and twenty-seven governments,,or satrapies, apparently for the purpose of collecting the revenues. This establishment is mentioned by Mr. ROLLIN, in the following terms: "The Persian empire was divided into a hundred and twenty-seven governments, the governors of which were called *satrapæ*. Over them were appointed three principal ministers." —"It was DARIUS the Mede, that is, CYAXARES, or rather CYRUS, in the name of his uncle, who put the government of the empire into this excellent method."—"These satrapæ were, by the very design of their office, each in his respective district, to have the same care and regard for the *interests of the people*, as for those of the prince," &c.—"And to prevent, as far as possible, all abuses, which might be made of so extensive an authority as that of the satrapæ, the king reserved to himself alone the nomination of them, and caused the governors of places, the commanders of the troops, and other such like officers, to depend *immediately* upon the *prince himself*, from *whom alone* they were to receive their orders and instructions; that, if the satrapæ were inclined to abuse their power, they might be sensible those officers were so many *overseers and censors of their conduct*."—According to this account, those satrapæ of CYRUS's appointment, were only *civil governors*, without any military authority or

command; and, from the statement here given of their particular duty, which is said to have been to protect the people, meaning, I suppose, the tenants of the crown, upon whose prosperity the increase of the revenues must depend, I apprehend, that the principal object of their appointment was to realize the revenues of the state. The military officers are here stated to form a body of controul over the conduct of those civil governors; and in all the well-regulated Asiatic governments, we see how necessary a system of rigid controul is, to prevent the oppression of the tenants, and the defalcation of the revenues. [t] I have given the authority upon which I found my conjecture; which is supported also by the known motives of the more modern emperors of the different portions of Asia, whose institutions, now published to the world, correspond exactly with the instructions which are here attributed, by the historian, to CYRUS. [u] But the satraps of the Persian

[t] In particular the governments of Hindostan and China.

[u] Mr. ROLLIN adds further upon this subject: "I have already said, that agriculture was one of the main things on which the Persians bestowed their care and attention. Indeed oue of the prince's first cares was to make husbandry flourish; and those satrapæ whose provinces were the best cultivated, had the most of his favour." B. iv. art. i. s. 4. c. 4.—This is a sentiment universal to all Asiatic princes; for this obvious reason, that their revenues increased with the prosperity of the husbandmen. The instructions of the modern Asiatic princes

Persian DARIUS's appointment were complete viceroys, exercising the entire authority of the sovereign over every department of the state, in a much more extensive government; being at once the military commanders, the civil governors, and the regulators and receivers of the revenues; for which they were only accountable to the emperor himself. HERODOTUS gives a statement of the revenue which each of these satrapies was said to produce in money, mentioning other payments in kind: and he makes the amount of the money to be 14,560 talents, omitting trifling sums.* The Cilicians, besides their tribute in money, were obliged every day to produce a white horse for the emperor, such being in high estimation.† Babylon, besides paying a thousand talents for the Assyrian province, gave, annually, five hundred eunuchs:‡ and, in another place, HERO-

princes to their officers, will here form the best comment. We find in the Zemindarry Sunnud of Hindostan, the following injunction: "Let him (the zemindar) encourage the body of the ryots in such a manner, that signs of an increased cultivation and improvement of the country may daily appear," &c.—In the Ayun Akbery we find the following instructions to a viceroy, or *sepahsellar*: "Let him strive to increase cultivation and population, and gain the hearts of all our subjects, by a faithful performance of his engagements; and let him consider it his duty to befriend the industrious husbandman," &c.—I could transcribe many such passages.

* B. iii. c. 95.

† Ibid. c. 91.

‡ Ibid. c. 92.

DOTUS says: "When TRITANTÆCHMES, son of ARTABASUS, was appointed to this principality by the king, he received every day an *artaby* of silver. The artaby is a Persian measure, which exceeds the Attic *medimnus* by about three *chœnices*. Besides horses for military service, this province maintained, for the sovereign's use, a stud of eight hundred stallions, and sixteen thousand mares, one horse being allotted to twenty mares." [v] The produce of that country, of which Babylon

[v] The following remark is transcribed in this place from Mr. GIBBON, in a note, by the translator of HERODOTUS: "The comparison of two passages of HERODOTUS," b. i. c. 192, and b. iii. c. 89 and 94, "reveals an important difference between the gross and the net revenue of Persia, the sum paid by the provinces, and the gold and silver deposited in the royal treasury. The monarch might annually save 3,600,000l. of the 17 or 18 millions raised upon the people." —I am enabled to correct this misrepresentation, by the following remark upon it, made by a gentleman who has investigated Asiatic finance with great, and, I think successful, attention. "There is nothing which authors, unacquainted with calculations or systems of finance, make greater mistakes in, or err so much in their conclusions of, as by vague or inaccurate statements of the gross and net revenue of countries. In Asia, generally, and particularly in the great empires of Persia, Hindostan, and China, the expence of all the provincial establishments, civil and military, are locally defrayed or deducted from the gross collections of the provinces; and it is alone the residue that is remitted to the sovereign, in the name of revenue or tribute; which is rather to be considered as the means of supporting his household, or personal dignity

and

Babylon was the capital, according to another passage in HERODOTUS, was equal in advantage for the government, to one-third of the whole of the Persian empire. " Independent of those subsidies which are paid monthly to the Persian monarch, the whole of his dominions are obliged, throughout the year, to provide subsistence for his army. Babylon alone raises a supply for four months, eight being proportioned to all the rest of Asia. The government also of this country, which the Persians call a satrapy, is deemed by much the noblest in the empire." * The fertility of the country, and its being under the immediate direction of the Persian government, may account for these circumstances. Of the country between the rivers Euphrates and Tigris, HERODOTUS says: " Of all countries which have come within my observation, this is far the most fruitful in corn;" and he adds, " the soil is so particularly well adapted for corn, that it never produces less than two hundredfold." † Egypt was rated at seven hundred talents, including Cyrene and Barche. But HERODOTUS adds: " The produce of the fishing of the lake Mæris [w] was not in-

and establishment, than as a supply to answer the public exigences of imperial government."

* B. i. c. 192.

† Ibid. c. 193.

[w] According to DIODORUS SICULUS, this immense artificial lake, 3600 stadia in circumference, and, in some places,

 50 fa-

included in this, neither was the corn, to the amount of seven hundred talents more; one hundred and twenty thousand measures of which was applied to the maintenance of the Persian and auxiliary troops garrisoned within the white castle of Memphis."* It may here be proper to observe, that where the king or prince of the country was suffered to govern his own state, a subsidy was only exacted of him; and he was permitted to levy his own revenues; by far the most essential part of which was always, but particularly in Egypt, the rent of the land; which appears to me to be in general meant, in all these accounts, by the denomination *tribute*. In this case, the sovereign was accountable to the emperor for what was allotted to be paid into the imperial treasury, the overplus remaining to himself. Such appears to have been the situation of Egypt, Judea, and many other conquered countries, which remained in the condition of dependent kingdoms. [x]

The

50 fathom deep, was formed by King MÆRIS, in order to prevent the bad consequences attendant either upon an overabundant, or a too scanty inundation of the river Nile, for the purposes of agriculture. He adds, that MÆRIS gave to his queen the revenue accruing from the fish it yielded, which amounted to a talent, daily; and that the variety and quantity of fish in it were afterwards greatly increased.—L. i. s. 2. c. 8.

* B. iii. c. 91.

[x] Such also was the situation of the rajahs in Hindostan, who were suffered to govern their own countries, upon the

condition

The following passage in HERODOTUS, appears to me to infer the exaction of land-rent, as the revenue of the Persian government. When ARTAPHERNES was governor of Sardis, "his next step," says the historian, "was to divide all the Ionian districts into parasangs (the Persian name for a measure of thirty furlongs), by which he ascertained the *tributes* they were severally to pay."* I have already observed, that in this author, the word which is translated *tribute*, appears to me particularly to apply to the revenue derived from the *rent* of the lands; by which expression, I mean the sole payment that was made by the occupier or cultivator of the land for his possession; which, being received by government, ascertains the proprietary right to have been there vested. This measurement, ordered by ARTAPHERNES, seems to me to have been for the same purpose that similar measurements have since been ordered in Persia, in Hindostan, and in China; namely, for ascertaining the *rents* of the land payable to government. [y]

condition of paying a stipulated subsidy or tribute to the emperor; whether under the Ghiznian, Ghorrean, Patan, or Mogul conquerors.

* B. iv. c. 42.

[y] These subjects will be more fully explained in the sequel, particularly when the institutes of TIMUR and of AKBER come under consideration.

The

The following extracts from Sir WILLIAM OUSELEY's translation of a geographical work by EBN HAUKAL, an Arabian who lived in the tenth century, clearly shews the state of landed property at that time in that country, from an authority that cannot be called in question, nearly 500 years before the æra of TAMERLANE's conquests.

" *The gates of wealth*, or those by which money is supplied in the divans, are the taxes or tribute: a tenth on ships; a fifth on the mines, on corn, fodder, the mint, the roads, the canals, fruits, iced-waters, salt, &c.

" The tribute of lands is of three kinds: by division, and by regulations, and statutes. All the proportions are exactly ascertained, and admit not of any diminution: whether the ground be tilled, or not tilled, the measurements and divisions take place: if the ground is cultivated, it pays tribute; if not cultivated, it is so much lost.

" The greater part of the country is subject to measurement, as far as the *Zems* are. The taxes of Shiraz are more considerable, in proportion as their jereib is the great jereib for such things as wheat and barley. The jereib is two hundred and thirty-seven direms. The *garden-jereib* is one thousand four hundred and twenty-five direms. The small jereib is sixty *guz* of the king's cubit, or yard; and the king's cubit is nine *kebsets*, or hand-

handfuls. The great tax is the tax of Shiraz, because JAFFER BEN ABI ZOHEIR spoke to HAROUN AR'RASHEID on the subject, and he ordered that a third and a fourth should be paid. The tribute of Istakhar is not so considerable as that of Shiraz.

"The tax of division is of two kinds. The better, is that of the EMIR AL MOUNENIN OMAR (may God reward him!), and the other khalifs, which divides into tens, threes, and fours. These are taxes paid on the products of agriculture, and various other duties and tributes, nearly the same as in other countries.

"In all Pars there is not any mint, except at Shiraz. The land belongs to the sovereign: he lets it out to farm at certain rents. There was not any tax in Pars, on shops, or workhouses, or gardens, or trees. ALI BEN ISA laid a tax on them in the year 302."*—Page 136, 137.

That the rents of the land constituted the established revenue of the sovereign, throughout the whole of that extensive tract of country which the ancient empire of Persia occupied, appears to be clearly established by the conquests of TAMERLANE, upon the authority of his institutes, which apply equally to all his conquests in Asia; and they seem to have involved the whole of that tract of country, and to have extended somewhat

* A. D. 914, most probably our author's own time.—*Transl.*

beyond

beyond it. It appears to me a very great error, to confine the application of this work to Hindostan, the seeming idea of some writers who treat of that country; whereas, his very short residence there, may rather give room to doubt, whether what is said concerning civil establishments, could be intended to apply to that country at all. He conquered the principal governing power, and spread terror universally over the whole empire; which occasioned many of the chiefs, who had assumed independence, to acknowledge his authority. His invasion, his conquest, his residence, and his final departure, were all comprized considerably within the limits of a year; and he does not seem to have proceeded at all to the southward of Delhy. After plundering that city, he made a progress to the eastward and northward, with his army, towards Chandy Gaut, seemingly, to gratify his curiosity respecting the issue of the Ganges from the mountains, through the fanciful head of the cow. He made some arrangements in the higher provinces, and then abruptly left the country. [a]

The

[a] Of his invasion, and his return from Hindostan, the following particulars appear in his own institutes, under the head of *Intelligence*. "Thus, at the time that I was about to undertake the reduction of the empire of Hindostan, information was brought me, that independent princes and chiefs were seated on the throne of government in every quarter of those dominions. When I received this information, the

conquest

The institutes of TIMUR are applicable, generally, to all the countries he had conquered; and they decidedly establish the universal principle, in Asia, that the sovereign (whose rights the conqueror assumed) was the sole proprietor, or, what amounts to the same thing, the sole disposer, of the *landed property*. At the same time, TAMERLANE appears strongly impressed with the good policy of preserving the rights of the cultivators and occupiers, who were, in general, the same persons; upon the stability of which, he seems fully aware, how much the prosperity, and even the existence, of the monarchy depends. "I ordained," says he, "that the revenues and the taxes" (which means the *rents*) "should be collected in such a manner, as might not be productive of ruin to the *subjects*, [b] or of depopulation

conquest of that kingdom appeared easy in my sight; but in the eyes of my soldiers, it was an undertaking of difficulty." P. 353.—"Thus, when I had subdued the empire of Hindostan, I received intelligence, that the Keesier of Rome had ravaged certain of my provinces, &c.; and I reflected with myself, that, if I tarried longer in the empire of Hindostan, disorder would arise in the kingdom of Eraun," &c. * P. 355.

[b] An accomplished Persian scholar informs me, that the word

* The author, since writing the above, has reason to believe himself correct, in supposing it an error to confine the application of the institutes of TIMUR to Hindostan alone. They were intended for all the countries subdued by that conqueror; and there was a tuzuc, or institute, for each country so acquired, accordingly. In the copy, however, of these institutes, translated into English by Messrs. DAVY and WHITE, it would seem that the tuzuc, or institute, for Hindostan particularly, must have been deficient in the original, as it does not appear in the translation.

tion to the country: for the ruin of the *subject* causeth a diminution of the imperial treasures; and a diminution of the imperial treasures effecteth the dispersion of the troops; and the dispersion of the troops produceth the extinction of the imperial power." *—Such was the chain of reasoning of this great conqueror, according to the institutes; the substance of which, whatever the mere act of writing, or even the arrangement may have been, is adjudged to have been his own. [c]

I shall

word here translated *subjects*, is, in the original, *ryots;* which is the appellation given to the established renters of the land, from whom the land-rents or the land-revenue was collected; and that this inaccuracy frequently recurs.

* Inst. of TIM. p. 361.

[c] Sir WILLIAM JONES seems to be clearly of opinion, that TAMERLANE could not write. He says of him: "TIMUR, a savage of strong natural parts, fond of hearing histories read to him, could himself neither write nor read."—IBNU ARABSHAH, whom Sir WILLIAM quotes, asserts, "he was wholly illiterate; he neither read nor wrote any thing; and he knew nothing of the Arabic, though of Persian, Turkish, and the Mogul dialect, he knew as much as was sufficient for his purpose."—The *Tuzuc* (the institutes), which was translated by Major DAVY, according to Sir WILLIAM JONES, "was not written by himself, but by his favourite Hindu-shah, nearly in the prince's words, as well as in his person." Diss. on the Tartars, Asiat. Res. v. i.—This account seems only to take from him the mere act of writing. Major DAVY's ideas of TAMERLANE, as well as those of the editor of the institutes, seem to have been very different from Sir WILLIAM's; who says, that no Tartarean king of

his

I shall lay before the reader some passages from the institutes, which appear to me conclusive upon the subject of the property of the lands, and the destination of the land-rents.

Under the head of the *Distribution of the Provinces and Districts*, the following passages occur: "I commanded, that the amount of the revenues of the various provinces and kingdoms should be divided into lots for more or for less, and that the royal assignment for the payment of each of these lots should be made out;"—"and that the *Ameers* and the *Mingbaushees* should each of them take one of those assignments," &c. [d]—"And I commanded,

his (TAMERLANE'S) age could write at all; and that "the Moguls and Tartars, before their conquest of India, were wholly unlettered."—Ibid.

[d] For the sake of brevity, I left out some words that are not material, or do not appear to me to be so, which is expressed by breaks. As I refer to the page, the original may be consulted, viz. the first quarto edition. The *Ameers* and *Mingbaushees*, are the higher officers of TAMERLANE'S army, whose comparative rank may be judged of from the following passage: "And I ordained, if an *Ounbaushee*, or an *Eusbaushee*, or a *Mingbaushee* Ameer, should vanquish the forces of an enemy, that in reward to an Ounbaushee, the government of a city should be given; that the reward of an *Eusbaushee* should be the command of a province: and I ordained, when a Mingbaushee defeated the forces of his antagonist, that he should be appointed the lord of a principality." P. 289.—The word *Ameer* seems to be the general designation which is applied above a certain rank, as *general* officers:

manded, that the Ameers and the Mingbaushees, in collecting the revenues from the *subjects*," in the original, *ryots*, " should not, on any account, demand more than the *taxes* and *duties* established."—I suspect that *rent* is here meant, which the translator expresses in these terms, to meet the ideas of Europeans. Perhaps it may be necessary for me to repeat here, that the speciality I attach to this word *rent*, is, that it signifies the *only* and the *entire* payment made for the possession of land. *Taxes* or *duties*, applied to land-revenue in Europe, signify the payment of a part of the rent, not the payment of the whole of it to government. I therefore adhere to the propriety of using the word *rent*, to mark this distinction; because, wherever it is applicable, it implies that the property of the land was vested in government. [c]—" And to every province on which a royal assignment was granted, I ordained that two

cers: the other appellations, which seem to be Mogul, mark the gradations of rank; brigadier-general, major-general, lieutenant-general, &c. Of those that are here named, the *Mingbaushee* is the highest.

[c] I am told this payment is expressed in the original, sometimes by the word *mâl*, sometimes by *jumma*, and sometimes by *kheraj*. As in all these modes of expression, it means the *sole payment* made for the possession of land, and that payment rendered to government; let this circumstance be understood by the English reader, which the word *rent* seems to convey. *Taxes* and *duties* do not, in my apprehension, convey this idea.

super-

supervisors should be appointed to that province; that one of them should inspect the collections, and watch over the concerns of the inhabitants, that they might not be impoverished, and that the jagheerdar might not ill-use or oppress them; and that he should take an account of all the sums which were collected in the province; and that the other supervisor should keep a register of the public expences, and distribute the revenues among the soldiers."

In this destination of TAMERLANE, I understand, we are to look for the origin of *jagheers* in India; which have become the *fiefs*, or *feuds*, of that country. In the view which is here given, the assignment of the land appears to be made for the purpose of supporting an army already formed and disciplined, for a limited time, namely, three years; after which, "the state of the provinces," say the institutes, "should be inspected: if the *inhabitants*," in the original, *the ryots*, "were *satisfied*, and if the country was *flourishing* and *populous*, that he" (the general officer who was the *jagheerdar*) "should be continued therein; but if the contrary should appear, *that the jagheer should return to the crown*; and that, for the three following years, subsistence should be granted to the holder of it."[f]—The intention and

[f] I understood this passage to mean, that the holder of the jagheer, when deprived of it, was to receive subsistence

and motive of this institution seem to be obvious. By assigning the revenues of a province or district for the support of an army, the process to government was simplified, and two difficult transactions, the collection of the revenues and the payment of the forces, resolved into one. This was, in no respect, a gift to an individual; but a measure of public utility, wherein the rights and the interests of the government were carefully preserved, and the prosperity of its immediate tenants, the *ryots*, scrupulously attended to. Inspectors were appointed to see justice done to them in the collections: their being *satisfied*, and the country *flourishing* and *populous*, formed the test for its continuance; and a contrary situation dissolved it, at the expiration of three years. This institution appears to me to have been changed under the unwarlike emperors of Hindostan, and to have taken more the form of European *fiefs*, which were to supply troops when wanted; and not, as under TAMERLANE, to maintain and support troops already formed. It seems to have degenerated, at last, into a mere pretence for giving to individuals the temporary possession of land, or the enjoyment of its revenues. But the Asiatic monarchs can hardly be brought, as the

ence from the emperor's treasury. But I am told that there is here an error in the translation, and that the words in the original are, "subsistence should not be granted to the holder."

Eu-

Europeans were, to the necessity of making this institution hereditary.

From this digression I return to the institutes. "And I ordained, that the collection of the taxes (rents) from the subject (ryot) might, when necessary, be enforced by menaces and by threats, but never by whips and scourges."—The tenderness to the *subjects*, who are the tenants of the crown, and the cultivators of the lands, in the exaction of the *taxes*, which mean the *rents* of the land, is imputed to humanity and compassion, or to a circuitous policy, resulting from the general happiness of the people, by European writers; whereas the motive is obviously and directly *self-interest* and *necessity*; for the rents of the land, which are the revenues of the state, flow entirely from these people, whose prosperity is essential to the ready supply of the crown revenues, which are always in proportion to the annual produce. In TAMERLANE's own words, "the ruin of the *subject* causeth a diminution of the imperial treasures," &c.—This intimate connection between the interest of the sovereign and the prosperity of the husbandman (the immediate tenant of government), is the surest pledge of his security; which will appear still more strikingly from further quotations.

The next head, in the institutes, which offers illustrative passages, is *the collection of revenues and taxes*; from which one extract has already been made,

made, shewing TAMERLANE's attention to the prosperity of the occupier of land. The next is, "And I ordained, that in every country that should be subdued (to the inhabitants of which, charters of safety and security from danger should be granted), the produce of the revenue of that country should be inspected. If the subjects (ryots) were satisfied with *the old and established taxes*,[g] that those *taxes* should be confirmed, agreeably to the wishes of the *subjects*; or, if not, that they should be determined according to the *regulation*."—"And I ordained, that the *duties* should be determined in proportion to the produce of the *cultivated lands*, and that the *taxes* on the produce of the lands should be affixed and ascertained."—"Thus, first, that the cultivated grounds of the subject, which should be made fertile by the waters of canals, or by springs or rivulets (if those waters flowed perpetually and constantly), should be superintended by the officers of the crown; and that of the amount of the produce of these grounds, *two-thirds* should be allowed to the possessor thereof, and *one-third be paid into the royal treasury*." [h]—After this specimen

[g] Sir CHARLES ROUSE, who inserts this passage into his *Dissertation concerning the Landed Property of Bengal*, at the word taxes, makes the following correction, in a parenthesis, ("*jumma kedim*, *ancient rent*, or *revenue*"), which exactly tallies with my ideas.

[h] According to Dr. ADAM SMITH, the rent of an estate in

men of those *taxes* and *duties*, I hope the reader will have no difficulty in determining with me, that they formed the solid and substantial *rent* of the land; and it also appears, that they were the *jumma kedim*, the *ancient rent*, and not an exaction imposed by the conqueror; which are the two points I was desirous of establishing.

I shall proceed with some further extracts. "And if the *subject* consent to pay the *tax* for the restricted lands, in specie, that, for the grain due to the treasury, the sum should be fixed on the *subject* according to the current price of the grain; and that, corresponding to the current price of the grain, the money should be paid to the soldiers." P. 363.—"And, if the *subject* should not be satisfied with the mode of collection, and with the partition of the general produce into three parts, that the restricted lands should be divided into a first, and second, and third *jerreeb*" [1] (the meaning not known to the translator); "that the produce of the first jerreeb should be estimated at three loads, and the produce of the second jerreeb at two loads, and the produce of the third jerreeb

in England, commonly amounts to what is supposed to be a third of the gross produce.—Wealth of Nat. v. i. b. i. ch. xi. p. 210.

[1] *Jerreeb* is a measurement of land. CHARDIN, in his account of Persia, says it is somewhat less than an acre. According to the Ayeen Akbery, the Persian jerreeb is the same as the *begah* of Hindostan.

 at

at one load; and that half thereof should be estimated as wheat, and half thereof as barley; and that of the total amount, *one-half of the produce should be collected.*"—"And if the subject, notwithstanding this, should be unwilling to pay the *tax* (rent) in kind, that the valuation of a load of wheat should be fixed at five *muskatels* of silver; and the value of a load of barley at two and a half muskatels of silver; and that the duty of the *kel-laah*"* (unknown to the translator) "should be exacted over and above; but that nought else should be demanded of the *subject*, under any pretext or denomination whatever." [k]—"And that the rest of the lands of the husbandman, those which produce in the autumn, and in the spring, and in the summer, and in the winter, and the lands which depended on the rain for fertility, should be divided into *jerreebs*; and that the produce of those which were numbered a third and a fourth, should be collected." P. 365.—"And that the *duties* on the herbs, and on the fruits, and on all the other productions of the country, and on the reservoirs of water, [l] and on the commons, and on the pasture-lands,

* Castle.

[k] The grain specified in both these articles, for ascertaining the rents, are the general produce of Persia, as also of the higher provinces of Hindostan, and of all the agricultural countries to the northward.

[l] The duties on reservoirs of water, may be explained from CHARDIN's account of Persia, to which country probably

lands, should be fixed and determined *according to the ancient and established practices:* [m] and if the subject should not be content therewith, the collections should be settled according to the *hust* and *bood*" [n] (these expressions not understood by the translator).—" And I ordered that, before the time of gathering in the grain, the *taxes* should not be demanded; and, when the period of the harvest arrived, that they should be collected at three different times. And if the *subject* paid the

bly it applies. Every province, he observes, has an officer appointed over the water of the said province, called *mirab,* whose people distribute it. " The officer of Ispahan, for instance, gets four thousand *tomans* per annum, or 60,000 crowns, French money, without reckoning his deputy's profits. The land and gardens of that royal city, and of the neighbouring parts, pay twenty-pence a year to the king, by *jerreeb*, which is the common land measure, and is less than an acre, for river or spring water; for the other water is free." —Besides this common duty, he says occasional presents are made to the *mirab,* when it is immediately wanted. " The rule they observe, in watering the squares, is to let it be high enough for a duck to swim; and that is the way of watering the gardens every week."—Vol. ii. p. 265, 6.

[m] It does not seem to have been the practice to claim rent for pasture-lands, in Hindostan, except when tillage-lands were so employed; probably because it was so much an agricultural country. This maxim probably applies to the higher countries.

[n] I am favoured with the following explanation of this expression: " *Husta-bood,* from the present and past tenses of the verb *to be,* in Persian, means, technically in revenue, what the rents formerly were, and what they now are."

 royal

MAHARAJA SERFOJI'S SARASWATI MAHAL

royal dues spontaneously, that a tax-gatherer should not be appointed over him; and if there should be occasion for a tax-gatherer, that he should levy the duties by threats and by authority; but that he should not make use of the cudgel, and the cord, and the scourge; nor presume to confine the *subject* in fetters and chains."—"And I ordained, whoever undertook the cultivation of waste lands, or built an aqueduct, or made a canal, or planted a grove, or restored to culture a deserted district, that, in the first year, nothing should be taken from him; and that, in the second year, whatever the subject voluntarily offered, should be received; and that, in the third year, the duties should be collected according to the *regulation.*" P. 367.—In Persia there is naturally great sterility, principally owing to the want of water; at the same time, it seems to have been a country where agriculture had been long established. CHARDIN observes, that "the religion of the ancient Persians, who were Ignicoles, laid upon them the strictest engagements to cultivate the land."*

It is the nature of a monarchical government, to protect the poor from the oppressions of the rich; but this effect will be much more certainly produced, where the revenues of the crown are immediately derived from the inferior orders of

* Acc. of Pers. v. ii. p. 30.

society;

society; upon whose prosperity they must, in a great measure, depend. When the individual who holds the crown, possesses natural sagacity, these considerations will have powerful influence; which appears to me to have dictated the maxims that follow: "And I ordained, that if the rich and the powerful should oppress the poorer subject, and injure or destroy his property, an equivalent for the damage sustained should be levied on the rich oppressor, and be delivered to the injured person, that he might be restored to his former state."—"And that all ruined lands which lay uncultivated (if there were no owners to those lands), *should be annexed to the crown*: and if there were owners, and those owners were reduced to distress, I ordained that the necessary supplies should be granted unto them, that they might cultivate the lands anew." P. 369.—"And I commanded, that the property of the deceased should be restored to the lawful heir; and, if there should be no heir, that it should be expended in pious uses, or be sent to the holy city of Mecca." P. 373. [°]—I do not suppose that landed property can here be meant. Land could not be sent to Mecca; and I apprehend that the possessory property of the ryot was never sold at the instance of government. In the article quoted immediately

[°] This last article is partially transcribed by Sir Charles Boughton Rouse, the latter clause being omitted.

before,

before, waste lands without an owner were resumed by government: would not cultivated lands, without an owner, be likewise resumed by government? In Hindostan, the possessory property of the ryot was hereditary: but it is not clear that this was the case in Persia, and the other countries to which the institutes of TIMUR must apply. If TAMERLANE's residence was so short in Hindostan as it is represented to have been; if he never returned thither again; if he left no army behind him; and appointed no viceroy to govern the country in his absence; I do not see how his institutes can be supposed to apply specially and particularly to Hindostan. This circumstance is not at all material to the object of my inquiry; but it appears to me to be one of those historical incongruities, which it is impossible to pass without remark. [P]

That in Persia the rents of the lands formed the revenue of the sovereign, is directly stated in the *Ayeen Akbery*, a book of the first authority, as it is of the highest utility in India, which was published under the direction of the greatest and

[P] Upon this subject I am favoured with the following remark: "The institutes of TIMUR were applicable to all his conquests, as well as Hindostan; for which there was a particular *tuzuc*, or institute, though not appearing in the translation of DAVY and WHITE."—Of this circumstance I was ignorant: but does it not rather imply that the tuzuc which they translated was not applicable to Hindostan?

wisest

wisest of the Mogul emperors. [q] The following general statement occurs in this work, which treats of the *land rent* as the established revenue throughout all Asia: "In former times, the monarchs of Hindostan exacted the *sixth* of the produce of the lands; in the Turkish empire, the *husbandman* paid the *fifth*; in Turan, the *sixth*; and in Iran, the *tenth*; but, at the same time, there was levied a general poll-tax, which was called kheraj. [r] COBAD (King of Persia) disapproved of this arbitrary mode, and intended to have made a measurement of all the arable lands in his empire, for the purpose of ascertaining an equitable fixed revenue," which was prevented by his death. "His son, NOORSHEERVAN (under whose reign MAHOMED was born), adopted his plan, and instituted a land-measure of sixty square *kissery guz*; and computing the produce of such a quantity of land to be a *kifeez*, valued at three *dirhems*, he determined that *one-third part*

[q] For the translation of this work into English, Europe is indebted to Mr. FRANCIS GLADWIN.

[r] TAMERLANE, according to the institutes, disapproved of this species of taxation, regarding the *land-rent*, seemingly, as the constitutional source of revenue. He says: "I ordained, that the poll-tax and the house-tax should not be levied on any town or on any city whatever; and that no one of the soldiers should presume to enter by force the dwelling of a civil inhabitant, or to seize on the cattle, or the property of the subject."

should

should be the proportion of revenue. The kefeez is a measure which is called *saa*," one pound and twelve ounces, " consisting, some say, of eight *retels*; whilst others make it something more," &c. —" When the *khalifat* descended to OMAR, he approved of the wisdom of NOORSHEERVAN, but introduced a few innovations, which may be learned by consulting books. Lastly, in Iran and Turan, government has taken *one-tenth* of the produce of the soil; but, at the same time, the *husbandman* is loaded with a number of other taxes, which, altogether, exceed *one-half* of the produce. In Egypt, the proportion of revenue is as follows:

From the kodan.	Ibraheemee.
Of the best, - -	3
Middling, - -	2
Worst, - -	1

The *kodan*[*] is a measure of land containing a hundred square *reeds*, each of which makes one *ba*, or perch. The ibraheemee passes current for forty *kebeers*, fourteen of which are equivalent to

[*] The proper Arabic term is *fedan*, and not kodan: the mistake has been owing to the translator of the institutes of AKBER, taking the letter *f* for the letter *k*, which, in the Arabic alphabet, are only distinguished from each other by the latter's having two diacritical points, instead of the one which belongs to the former letter.

a ru-

a rupee of AKBER-SHAH. "In many parts of the Turkish empire, they exact from the husbandman thirty *okchehs* for every yoke of oxen, besides forty-two *okchehs* for the exchequer, together with twenty-one for the army, and fifteen *okchehs* for the subahdar, or viceroy, &c. There are also other rates of collection in that empire, the relation of which would run me into prolixity."*

I have thought it necessary to transcribe these passages from the institutes, both of TAMERLANE and AKBER, verbatim, that the reader may view the subject exactly as they represent it; from which, I think, it clearly appears, that the *rent* of the land, in all the countries that have been mentioned, is engrossed by government; and that the property of the land rests between the occupant, who is generally the husbandman or actual labourer of the soil, and the sovereign; all other persons who are mentioned, as having any interference in these matters, being officers of the government; either collectors, overseers, or tax-gatherers (another name for collectors), who have the management of the revenues; or military officers of high rank, to whom they are assigned, from the motive, apparently, of combining two transactions into one, allotting the rents immediately for the payment of

* AYEEN AKBERY, p. 347, 348, 349.

the troops. But when TAMERLANE found that any abuses attended this practice, he ordained, "that the *jagheer* should return unto the crown."

Sir JOHN CHARDIN, a Frenchman by birth, is the latest authentic writer on the affairs of Persia, before that empire fell into disorder. He travelled through, and resided in, different parts of the country, during a period of near twelve years, from 1664 to 1677; and made himself master of the Persian language, chiefly with the view of acquiring a knowledge of the principles of the established government.

According to his account, all the lands of the empire, with the exception of religious donations (of little extent in Mahomedan states), which were considered as mortmain, and some temporary grants to individuals, belonged in property to the sovereign. They were at the same time universally held in occupancy, and in small allotments, by the peasantry; and though it be not expressly stated, that these possessory tenures were continued in perpetuity from year to year, while the occupant discharged the legal regular demand of government, as in Hindostan, yet there is every reason to believe that such was the usage in both countries, from the similarity of their forms and institutions, in modifying, assessing, and collecting the yearly rents, constituting in each, as every where else in Asia, the whole revenue of the state,

except-

excepting the small share usually levied under the head of customs and duties, of uncertain, variable amount.

CHARDIN observes, that, from the want of much external commerce, with interior traffic and industry, a circulating medium in specie was scarce; and as therefore the rents were, for the greater part, paid in kind, the most important of the local financial institutions were those which regulated the measurement and registry of all the lands of the empire, ascertaining invariably the rules for participating the yearly crops in proportionable shares with the peasantry, after deducting the seed, by a medium-standard valuation, according to the nature and culture of the soil; and leaving from one-fourth to one-half, but in ordinary fixed at one-third, of the gross agricultural produce of the lands in occupancy, as the sovereign's portion, annually.

The realization of this revenue-rent was in like manner systematically arranged and effected in two different ways; either by means of *tahsildars*, or receivers-general, at a charge, in common, of ten per cent. on the collections, or by temporary assignments, issued from the royal and provincial treasuries, on the occupants of the land, in favour of all the military, civil, and household establishments of the king, and his several delegates throughout the empire, in gradation per-

personally and officially, from the highest to the lowest officers, or soldiers in corps, employed: the former method prevailed in the demesne, or khalsah lands, situated chiefly in the provinces of Ghilan, Mazenderan, Irac, Media, Persia proper, and part of Chaldea; the latter, under the denomination of *tyoul*, or jagheers, in all the other great military governments of Persia, like the subahdarries of Hindostan: * but in both cases, as far as the financial interests of the state were concerned, the khalsah and jagheer lands were immediately under the management of provincial intendants, or dewans, wholly independent of the viceroys, and alone subject to the direct controul of the great Vizier of the empire; to whom the annual accounts and financial occurrences, of the several provincial departments, were to be regularly transmitted.

The grants of land made to individuals by the crown, were upon lease, for the term of ninety-nine years, and then renewable on payment of a year's rent, by way of fine. Some of these possessions were assessed for a small quit-rent, of about two shillings the acre; others again were held free; and they appear all to have been of the nature of those alienations in Hindostan, to favoured individuals near the great cities, called

* In Hindostan, the khalsah and jagheer lands were dispersed, indiscriminately, throughout *all* the provinces.

khas-

khas-talooks, and donative, under the various description of *enaumaut*, or free gifts, excepting as to the term of duration, which, in Hindostan, was usually for life, or in perpetuity.

But the waste, or unoccupied lands, wherever situated (and generally over all Asia, except it be China, these may be reckoned in extent equal to the portion in cultivation), were more peculiarly and directly considered as belonging exclusively to the sovereign, and were accordingly disposed of at his pleasure, under the superintendance of the immediate financial servants of the royal exchequer.

Finally, the whole revenue of the king, when converted into money, accruing from the rent of his demesne lands, tribute and imposts of every kind (observing it as singular, that the article of salt should be free), together with presents of the rare productions of every province, as had been customary from the time of HERODOTUS; but, after allowing for the whole ordinary expence of the household, with that of the civil and military governments of the empire, is stated to have been calculated at seven hundred thousand tomans, or about one million and a half sterling, annually absorbed by the royal treasury: though highly necessary, it might have been added, thus to be absorbed, under such a system of political economy, to answer, occasionally, the extraordinaries of war, especially when carried on externally.

 Such

Such, in brief, is CHARDIN's account of the state of landed property and revenue of Persia, towards the close of the seventeenth century.— See his works, in French, 10 vols. 8vo. Amsterdam edit. published in 1711, two years before his death in England, particularly vol. v. p. 122 to 175.

PART II.

GENERAL STATE OF LANDED PROPERTY IN HINDOSTAN—A SKETCH OF THE HISTORY OF THAT COUNTRY, FROM THE FIRST INVASION OF THE MAHOMEDANS TO THE REIGN OF AKBER—THE FINANCIAL SYSTEM OF RAJAH TUDOR MULL.

IT has before been observed, that Hindostan, in a great many points, resembled ancient Egypt. The learning of Europe, in the language of Greece, first discovered this affinity; the learning of India, in the Sanscrit language, has strongly confirmed it. The reciprocal agreement of those two countries with one another, is now found to have been still more congenial and intimate than was before imagined. The legends, which have multiplied the objects of their religious adoration, identify the same fables, only rehearsed in a different language. [a] Religion seems to have monopo-

[a] The best illustration I can give upon this subject, is to extract from Sir WILLIAM JONES's Preface to his translation of *The Ordinances of* MENU, the following passages, respecting the fabled author of them: "Whether MENU or MENUS in the nominative, and MENOS in an oblique, case, was the same personage with MINOS, let others determine."—"There is certainly a strong resemblance, though obscured and faded by

nopolized the literature, both of Hindostan and Egypt, and to have filled their books with the histories of their deities, and the mysteries of their faith. To these, therefore, the attention of learned men has been chiefly directed. The ordinary occupations of mere mortals seems below their consideration, and the disposal of landed property has not at all attracted their attention. It is well if we can catch a stragging fact, in the midst of their ingenious writings, to direct or enlighten our inquiries. With what we possess,

by time, between our MENU, with his divine bull, whom he names as DHERMA himself, or the genius of abstract justice, and the MNEUES of Egypt, with his companion or symbol, APIS; and, though we should be constantly on our guard against the delusion of etymological conjecture, yet we cannot but admit that MINOS, and MNEUES or MNEUIS, have only Greek terminations, but that the crude noun is composed of the same radical letters, both in Greek and in Sanscrit."—"If MINOS, the son of JUPITER, whom the Cretans, from national vanity, might have made a native of their own island, was really the same person with MENU, the son of BRAHMA, we have the good fortune to restore, by means of Indian literature, the most celebrated system of heathen jurisprudence; and this work might have been entitled *The Laws of* MINOS; but the paradox is too singular, to be confidently asserted; and the geographical part of the book, with most of the allusions to natural history, must indubitably have been written after the Hindu race had settled to the south of Himalaya."—It was Egypt to which they would be applicable; from whence the Grecians seem to have pilfered all their mythology, upon which, perhaps, they may have improved,

how-

however, we must endeavour to ascertain and establish the truth.

Of the inhabitants of Hindostan, Sir WILLIAM JONES says: "Nor can we reasonably doubt, how degenerate and abased soever the Hindoos may now appear, that in some early age they were splendid in arts and arms, happy in government, wise in legislation, and eminent in various knowledge."—Such, it seems, was the impression left upon his mind, by the inquiries he had made into the former situation of the Hindoos. Their government we know to have been monarchical; [b] and the fundamental principle, which is observed to support every other Asiatic government, doubtless supported theirs. The lands of the state must have been the property of the government, or, in other words, of the monarch who represented it. The analogy of Egypt, where this system was clearly established, supports this supposition; and there are facts which seem to confirm it.

In the Asiatic Researches, vol. ii. a translation from the Sanscrit is given, of two engraved metal

[b] The monarchical seems the only form of government acknowledged by the Hindoos. It is thus mentioned in the ordinances of MENU, translated by Sir W. JONES, ch. vii. art. iii. "Since, if the world had no king, it would quake on all sides through fear, the Ruler of this universe therefore created a *king* for the maintenance of this system, both religious and civil." And article 8: "He [the king] is a powerful divinity, who appears in a human shape."

 plates,

plates, which appear to have been the instruments of a gift of land; the one found in the earth at Tanna, the capital of Salset, and the other at the fort of Mongheer, in Behar. The first seems to have been a donation of land for religious purposes, doubtless from a king, or rajah, as the style of it seems to imply that no other persons were the givers of land. It strongly inculcates the merit of bestowing land in this manner; and denounces vengeance against those kings who resume it, or take back any property that has been dedicated to religion, or religious men; implying, indirectly, that this power had sometimes been exercised by kings. I shall transcribe the passages which impress my mind with these ideas. "Gold was the first offspring of fire; the earth is the daughter of *vishnu*; and kine are the children of the sun: the three worlds, therefore, are assuredly given to him who makes a gift of *gold*, *earth*, and *cattle*."—"The earth is enjoyed by many kings, by SAGAR, and by others: to whom soever the soil at any time belongs, to him, at that time, belong the fruits of it."[c]—"Exalted emperors have given land: this is the true bridge of justice for *sovereigns*. From time to time, O kings! that bridge must be repaired by you. He who seizes land given by himself, or by another

[c] This seems to refer to the possessory right of the occupant, or husbandman.

(sove-

(sovereign), will rot among worms, himself a worm, in the midst of ordure."—"By seizing one cow, one vesture, or even one nail's-breadth of ground, a *king* continues in hell till an universal destruction of the world has happened."—"A granter of land remains in heaven sixty thousand years; a disseizer, and he who refuses to do justice, continues as many (years) in hell."—From the general tenour of these quotations, it may be inferred, that the donation of land was confined to royalty; which fixes where the property concentred. The translation of this grant, occupies from page 248 to page 253; but it is filled with what to most readers would appear *mythological jargon.*

The other instrument is entitled, in the Researches, "A Royal Grant of Land, engraved on Copper, found among the Ruins at Mongueer; translated by CHARLES WILKINS, Esq.;" from which I transcribe what follows: "Be it known, that I have given the above-mentioned town of *Maseeka*, whose limits include the fields where the cattle graze, above and below the surface, with all the lands belonging to it; together with all the mango and madhoo trees; all its waters, and all their banks and verdure; all its rents and tolls; with all fines for crimes, and rewards for catching thieves. [d] In it there shall be no molestation;

[d] This appears to be an enumeration of the revenues and advantages attached to the *absolute property* of land, or the property which was vested in the sovereign.

lestation; no passage for troops; nor shall any one take from it the smallest part. I give likewise every thing that has been possessed by the servants of the rajah. [e] I give the earth and sky, as long as the sun and moon shall last; except, however, such lands as have been given to GOD and to the brahmans, which they have long possessed, and now enjoy. [f] And, that the glory of my father and mother, and my own fame, may be increased, I have caused this *saason* (edict) to be engraved, and granted unto the great BOTHO BEEHKORAATO MEESRO, who has acquired all the wisdom of books, and has studied the *beads* (scriptures) under OSLAAYONO, who is descended from OUPOMONYOBO, who is the son of the learned and immaculate BOTHO BORAAHORAATO, and whose grandfather was BOTHO BUSWORAATO, learned in the *beads*, and expert in performing the *jog*" (sacrifice). [g]—" Know, all ye aforesaid,"

[e] This seems to refer to lands assigned as salary to the officers of the government, or the prince.

[f] This passage seems to be explained by the extracts made from the preceding grant. Doubtless the giver was fearful of *rotting among worms in the midst of ordure, and of continuing in hell till the universal destruction of the world,* if he had happened to touch any thing that had been given before to GOD and the brahmans.

[g] From the circumstances here detailed, this gift of land was made to a learned brahman; the merit of which is thus stated in the ordinances of MENU, ch. vii. art. 84 and 85. " An

said," (the persons to whom the grant is addressed; a very numerous list of designations), "that as bestowing is meritorious, so taking away deserves punishment; wherefore, *leave it as I have granted it*. Let all his neighbours, and *those who till the land*, be obedient to my commands. What you have formerly been accustomed to perform and pay, do it unto him in all things."[h]—This appears to be an *absolute* gift of land (that is, of the *proprietary* right that was vested in the sovereign, which must be distinguished from the *possessory* right vested in the ryot or occupant) made by the king, or rajah, to a learned brahman; which points out clearly where the property of land, in the most extensive sense of the word, was placed: and the reader will observe, that the donor expresses some distrust of the future conduct of the officers of government under his successors, by stating the merit of *giving*, and the demerit of *taking away*, and urging them *to leave it as he had granted it*; as if he were conscious that they might hereafter, in virtue of the sovereign

"An oblation in the mouth or hand of a brahman, is far better than offerings to holy fire: it never drops, it never dies, it is never consumed. A gift to one not a brahman, produces fruit of a middling standard; to one who calls himself a brahman, double; to a well-read brahman, a hundred thousand-fold; to one who has read all the *vedas*, infinite."

[h] The date is the 33d *Sambot*, and 21st day of the month *Maarga*, being twenty-three years before CHRIST, says the writer of this article.

power,

power, resume it. It also appears that this gift of the *absolute property*, does not at all affect the *possessory property* of *those who till the land*; upon whom he lays his commands, that they will pay unto *him* what they have been accustomed to pay to government. [i]

In Egypt and in Hindostan, not only landed property, but every thing else, seems to have been hereditary. I do not find that in any other of the Asiatic states, these peculiarities existed. Upon this circumstance alone, I conceive, the advantage which those two countries enjoyed beyond all the other Asiatic states, of possessing landed property, with all the benefits which are annexed to it, and which result from it, depended. When, in the book of Genesis, we are told that the people sold to JOSEPH their lands for food, it appears to me, that it must have been the *possessory property* that they sold; at least this would be the case, if the *fifth* part of the produce, which PHARAOH laid up against the years of scarcity, was the *rent* payable to him for their lands; and such seems to have been the case: and when JOSEPH restored the people again to the possession of their land, renewing or establishing the obligation

[i] I do not find, in the Researches, any remarks made upon these engraved plates, which have any reference to the state of landed property; but many upon the mythological digressions, which occupy by far the greatest part of the inscriptions.

upon

upon them to pay a fifth part of the annual produce to PHARAOH, I apprehend he gave them back their land, as they seem before to have held it in *hereditary* possession. So that, from these circumstances, it would appear the lands of Egypt were possessed by the tribe of husbandmen nearly upon the same footing that the ryots in Hindostan possess their lands. If such were the circumstances under JOSEPH's management, the same would also be the circumstances under SESOSTRIS, when he made a new division of the lands, probably, upon the occasion of making an allotment of land to the military, or, possibly, only for the purpose of improving his revenues; he would replace the occupiers of the soil, or the hereditary husbandmen, in the same situation that they were before. Indeed it appears to me, that the profession of husbandry being *hereditary*, necessarily involves these circumstances; because, the state depending upon this class of people for the revenue which the land produces, the father, whose sons are bound to keep up the profession of husbandry, ought certainly to furnish them with the means of exercising it: so that this state of *possessory property* seems to result from the institution of *hereditary husbandmen*; and the one becomes a natural consequence, or attendant of the other. [k] In this way, I account for the twofold exist-

[k] There is a passage in DIODORUS SICULUS, b. i. s. 2. c. 25,

existence of landed property in Hindostan, which I have distinguished by the terms, *absolute property*, entitling to the rent, and existing in the sovereign, who may transfer or assign it; and *possessory property*, liable for the rent, and existing in the husbandman (ryot), or occupant, under the obligation of cultivating it, so as to produce rent or revenue to the state, or its substitute; which, being constitutionally hereditary, and also transferable, is to all intents and purposes property; but always subservient to, and dependent upon, the person who is *absolute* proprietor of the same subject. [1]

In

c. 25, which represents the class of labourers or husbandmen as taking the lands which belonged to the king, or the priests, or the soldiers, at a moderate rent for a time, to cultivate them. The rent of the king's land, which was the whole country, except what was allotted to the priests and the soldiers, was fixed at a fifth part of the produce; I suspect, therefore, that the temporary leases should, in this passage, be confined to the lands of the priests, and perhaps also of the soldiers, if they did not labour their own lands. Upon this subject, the reader will exercise his own judgment; but with respect to Hindostan, whatever the cause may be, the fact is indisputable.

[1] I know not if the terms which I have made use of, be the most proper for the purpose of marking this distinction of landed property in Hindostan. All that I am anxious to establish, is, that such a *distinction* actually exists; and that, when a prince calls the ryot, or occupant, who has the hereditary, transferable, but conditional, property of the land,

for

In direct opposition, therefore, to the practice and the prejudices of Europe, the immediate labourers of the soil, who, among the Anglo-Saxons and the Anglo-Normans, and all the other barbarians of the north, were the degraded slaves of society, in ancient Hindostan were the most favoured subjects of government, being the only permanent possessors of land, which they held by perpetual hereditary tenures in small allotments, or farms, immediately and directly under the authority of the prince, with only the intervention of the officer, through whom the rents were paid to government. An intelligent writer, who gives the most direct information on this subject, expresses himself, in respect to the present Hindoo establishments, in the following manner: "The ryots, who are the husbandmen, or peasantry, hold directly of the prince, by immemorial usage, as perpetual tenants *in capite.*" *—This allusion to the feudal tenures of Europe, is attended with some perplexity; because the tenants who held *in capite* of the princes in Europe, were exclusively *military tenants*; and this expression never was

for the purpose of cultivation and the production of rent, the *owner*, he by no means renounces his own proprietary rights, by which he claims the rent, and on the failure of which he may, as the *absolute proprietor*, transfer the *possessory property* thus forfeited to another. We shall see afterwards, however, with how much reluctance this was done.

* GRANT on Zemindarry Tenures, p. 1 and 2.

applied,

applied, in feudal times, to *socage* tenants, nor any other possessors of land. Mr. GRANT's meaning, however, is sufficiently obvious, and, as he applies it, perfectly just. But there is always some risk in applying the technical phraseology of one country to the peculiar institutions of another; and the more so, in this instance, because there are a set of *feudal vassals* in India, who actually hold land, or draw the rents of it, by the tenure of *military service*, under the denomination of *jagheerdars*; but these tenures, like the *beneficia* of, or fiefs of Charlemagne, were but temporary, or liferent assignments, of Mahomedan institution, and not hereditary possessions, like all the institutions of the Hindoos. Every person who has visited that country, knows that the whole Hindoo people are divided into casts, and that professions, and even offices,[m] as well as property, are hereditary. This allotment of land, therefore, among them, appears to be but a branch of a general institution.

[m] The Maratta state may now be reckoned the only independent Hindoo government that exists in Hindostan. In the second volume of the Asiatic Researches, there is a short account of it, translated by Mr. WILLIAM CHAMBERS, in which I find the following observation: "When one of their chiefs that held employments, or jagheers, &c. dies, his son, though of inferior abilities, or an infant, succeeds immediately to the employment, the business of which is conducted by a deputy till he becomes of age, and the monthly stipend, or jagheer, &c. is given to his family and relations."

The

The rent of the lands in Hindostan, constituted (as it did in every other Asiatic government) the revenues of the prince, and was collected by particular officers, who, according to one account given of them, were called choudries; [n] but it is very immaterial under what name they might be distinguished: they were, in respect to duty, the same officers who are at present called zemindars, who were checked and controled in their official conduct; so highly important, both to the subject and the state; by another set of officers, who have obtained the name of *canongoes:* at least, I think, there is great reason to suppose, that this system of collection and control, which the famous Hindoo financier, TUDOR MULL, established in the reign of AKBER, was founded upon the ancient establishments of the Hindoos. These two classes of officers formed the *collectors* and *controllers* of the public revenues in Hindostan; but the duty of the last, seems principally to have been directed to the protection of the hus-

[n] I transcribe the following passage from Sir CHARLES ROUSE's *Dissertation on the Landed Property of Bengal.* "As far as can be ascertained from the narrations of history, it appears that, in times prior to the irruptions of the Mahomedans, the rajahs, who held their residence at Delhy, and possessed the sovereignty of Hindostan, deputed officers to collect their revenues (kheraje), who were called, in the Indian language, choudries."—This information was communicated to the author by MIRZA MOHSIN, "a magistrate of extensive learning, and unimpeached integrity."

husbandman from the oppressions or impositions of the former. [°] It appears to me that, among the Hindoos, both those appointments would be hereditary; because, even under the Mogul government, being vested in *Hindoos*, they were allowed, generally (and, in the one instance, *invariably)*, to be so continued; in compliance, I presume, with the habits of that people; among whom, from the existing practice of the Maratta state (the only really independent Hindoo government in Hindostan), offices, as well as professions and property, appear to have been *hereditary*. They were paid by the government, either by a salary, or allowance in money, or by a portion of land exempted from the payment of rent: it would appear, I think, that this last mode was the most prevalent; and, in this case, the land being annexed to the hereditary office, would create a species of hereditary property. When the *choudry*, or *zemindar*, had no land allotted to him, he would be paid in money; and, to simplify this payment, he would be desired, in place of receiving his allowances back from the treasury, to retain a certain

[°] The ordinances of MENU say, ch. vii. art. 80: "His (the king's) annual revenues, he may receive from his whole dominions, *through his collectors*."—Art. 81: "Here and there he must appoint many sorts of intelligent supervisors, who may inspect all the acts of the officers engaged in his business."—The general principle seems here to be laid down: the modification was probably the system which was revived by TUDOR MULL.

tain proportion of what he collected; which has since been regulated to *one-tenth* part of the rent that it was his duty to realize; forming, in the language of Europe, a *commission* for the trouble of collection. But European prepossessions, in respect to landed property, have made this *single tenth* more than equivalent to the other *nine-tenths*; in right of which the property has been transferred, by their influence, first in *theory*, and afterwards in *practice*, from the government to the zemindar.

It has astonished me, that in the speculations upon the Mogul government in India, a reference has not been made to the decided and characteristic distinctions which mark, by opposition, the *Mahomedan* from the *Hindoo* institutions. With such a criterion, it is impossible to err. All the institutions of the Mahomedans, made by, and conferred upon, *Mahomedans*, are *personal*; all the institutions of the Hindoos appear to have been *hereditary*; insomuch, that where they have been adopted by the Mahomedan government, and are appropriated to *Hindoos*, the *hereditary* rule seems to have been adhered to. Wherever these distinctions apply, the inference must be decisive and certain. All the military appointments, including the higher offices of the Mogul government, where supreme authority and command are delegated, assuredly were of Mahomedan institution; and not one of them was hereditary. But

the agricultural and financial arrangements, under the immediate agency of Hindoos, are continued, even under the authority of the Mahomedan government, generally by the hereditary rule of succession. I find this to be a delicate subject, as it has excited much disputation, both in India and Europe, respecting, in particular, the *zemindarry appointment*. I do not enlist myself under either party; for, unluckily, the dispute has acquired the violence and the virulence of a party difference, which never fails to drive opponents so widely asunder from one another, that the middle ground, where truth may be found, is deserted. To me it appears, that each of them have stated *facts*; but that they have deduced erroneous conclusions from those facts. It cannot be questioned, that the rule for conferring zemindarry appointments, by the authority of the Mogul government, has, in general, been *hereditary succession*; the appointments having been very constantly to persons who were of the family of the preceding zemindars. I may, at random, say, that not one in twenty have been appointed under different circumstances. The adoption of this practice appears to me to have arisen, in the first place, from the appointment having been originally borrowed from the Hindoos; and in the second place, and principally, because it was at first entirely confined to *Hindoos*, whose customs were therefore followed. But to infer, from this circum-

cumstance, that zemindars were the land-proprietors of their districts, appears to me a very gross error. There can be no question, that the appointment of a zemindar is an *office*. To deny this, appears to me like denying that a man has a nose upon his face. The refutation is effected in the same manner: we point to the *nose*; we point to the *zemindarry sunnud*. Of the two, the evidence in the last case seems to be the strongest; for upon the feature in question, the word *nose* is not written; but in the *sunnud*, the word *office* is expressly written, and the appointment declared to be an office. Neither can there be any doubt, that the Mogul government reserved to itself the power of conferring this office upon whomsoever it pleased; but it was the common practice (as I suppose, from the causes before assigned) to adhere, generally, to the family, or hereditary succession. Examples enough can be produced, of deviations from this practice, to establish the authority which the government could and did exercise upon this head, of departing from the rule of hereditary succession which it commonly observed: but still the practice was by much too general, to be supposed to proceed from the chance or casualty (which occurs in other governments) of continuing to a son the appointment which his father had held, without any special motive for following this rule, which was by no means congenial to Mahomedans. If such were the

the motive, why was it confined to the appointment or office held by *Hindoos*? Why did i not extend to the appointments appropriated to *Mahomedans*, as frequently and as generally? Can this be alledged? Is there, in this respect, the smallest degree of comparison between them?—Certainly not! So general an effect could not exist without a cause. I have assigned what appears to me an adequate cause, which, at the same time, is consistent with the facts that are stated by both parties; but upon this the reader will form his own judgment. The subject will again occur, to undergo a more minute examination.

The first Mahomedan invaders of Hindostan were instigated by religious zeal, and inflamed by avarice, making conquests to plunder and destroy, and being impelled equally by religion and the love of lucre, to despoil the pagan temples, and to appropriate the jewels and the golden images. [P]

When

[P] Sultan MAHMOOD, of Ghizni, who was the first successful Mahomedan invader of Hindostan, soon after succeeding his father, SUBACTAGI, "made a vow, if ever he should be blessed with tranquillity in his own dominions, to turn his arms against the idolaters of Hindostan;" which vow he most religiously kept. His long and prosperous reign was a constant succession of successful invasions; returning after each back to Ghizni, loaded with golden images and treasures. From *Bimé*, in Nagracut, "he brought 700,000 golden dinars, 700 *maunds* (each maund about forty pound weight) of gold and silver plate, forty maunds of pure gold, in

When the tribute of homage was required by them from a native prince, it consisted in a subsidy, for which the prince alone was accountable; and there was no interference on the part of the conqueror with the internal financial arrangements of his state. During the inroads rather than the conquests of the Ghiznian and Ghorrean invaders, and even during the more completely established Patan government, the same system was, in ge-

in ingots, 2000 maunds of silver bullion, and twenty maunds of various jewels, set, which had been collected from the time of Bimé."—In the next invasion, he brought twenty millions of dirms, 53,000 captives, 350 elephants, besides jewels, pearls, and precious effects, which could not be estimated. After many profitable incursions, one very arduous expedition he seems to have undertaken from motives purely religious; for the image which was the object of it, was made of stone; but it was an idol of great fame, and of great magnitude. After crossing two deserts, and fighting several very perilous battles, MAHMOOD was at last successful: he took Deo, and got the formidable *Sumnat* in his power, who was a stone idol, five yards in height, upon whom the conqueror was resolved to wreak his vengeance, by breaking him to pieces. But what was the astonishment of the operators, when the belly of the image was found to be filled with diamonds, rubies, and pearls! A part of this idol was carried to Ghizni in triumph, and a part was sent to Mecca. "It was a custom among these idolaters," says FERISHTA, "to wash *Sumnat* every morning and evening with fresh water from the Ganges, though that river is about 500 crores (1000 miles) distant."—In the temple a bell was suspended by a golden chain, which weighed forty maunds.—DOW's Ferishta, vol. i.

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neral, continued. Where the lands were appropriated by the conquerors, as they seem to have been in the neighbourhood of Delhy and Agra, and in the fertile tract between the two rivers, Ganges and Jumna, the Hindoo husbandmen seem to have paid their rents into the imperial treasury, or to the agents of the government, through the channel of Hindoo collectors; and even where Mahomedan governors, or viceroys, had supplanted the rajahs of the country, in provincial situations, the Hindoo officers, correspondent to the zemindars, were employed by them to collect the rents and revenues immediately from the husbandmen; for which duty hardly any of the Mahomedan adventurers would be found duly qualified. In general, such men were soldiers of fortune, perhaps incapable of writing, and totally unacquainted with the manners, the habits, and the prejudices of the ryots. In the English version which Colonel Dow gives of FERISHTA's history, I found no direct evidence of these circumstances; but a literal translation of a passage in that author, with which I have been favoured by a gentleman well qualified to give it, states this matter past doubt, and gives, at the same time, a striking picture of the circumstances attending the possession of land in Hindostan at that period; which was during the reign of ALLA-UL-DIEN, who assumed the designation of *Secunder Sani*, or the *Second Alexander*. He had acquired

acquired the government by the murder of his sovereign, Sultan JELAL-UL-DIEN FIROSE, to which he seems to have been instigated by the possession of great wealth, acquired from a successful invasion of the Decan; and he trusted that it would support him in his usurpation. His government was at first tyrannical, but vigorous, repelling all attacks that were made against him. He then gave way to unbounded expence and dissipation, consuming more than the revenues of his empire. Under these circumstances, he listened to the suggestions of some advisers, who pointed out the danger that was likely to arise from predominant abuses; the principal of which seemed to be the accumulation of wealth and power into few hands. This seemed to alarm his apprehensions, and to prompt an immediate exertion of his fortitude and great vigour of mind. He determined to accomplish a complete revolution, both in respect to himself and his government, in order to multiply his own resources, and to cut off all the attainments of individuals. He prohibited the use of wine, and spirituous liquors, to which he had been much addicted, and set the example himself, by abstaining from them: he allowed no marriages without his particular license; no private meetings without his leave: he seized upon the wealth, and confiscated the estates, of Mussulmans and Hindoos, without distinction, appropriating their riches to himself; reducing

MAHARAJAH SERFOGI'S ...

all his subjects to the same level of poverty, and cutting off all emoluments of office. Then follows the passage before alluded to, which is translated in these words: "After the above regulations, the Sultan wished also to introduce into the country, rules for making the collections, both from the poor and opulent ryots; so that the authority which the *mocuddims*" (latterly subordinate officers, or agents of the zemindar, who collected, and were accountable to him for the land-rents of *villages*; but possibly at that time they might be independent collectors, and pay the rents immediately to the Musselman officers of government) "and *choudries*" (latterly the subordinate collectors of small districts, under the zemindars; but at the time alluded to, I imagine they were substitutes for the zemindars) "exercised over the inferior ryots, might be abolished. He therefore ordered that one-half of the produce should be *confiscated*, ascertained by measurement; and reduced the *mocuddims* and *choudries* to the level of the mass of ryots; so that the opulent might not throw the burden from themselves on their poorer neighbours; and the fees previously collected by the *mocuddims*, for their own behoof, were now received into the exchequer." [q]

The

[q] The translation of this passage by Dow, is in the following words: "He ordered a *tax* of half the real annual produce of the lands to be raised over all the empire, and to be regu-

The historian afterwards mentions, that so hard did these regulations bear on the *mocuddims* and *choudries*, that whereas "formerly they rode on horseback, clad in armour, or clothed in rich dresses, and amused themselves in hunting, like the nobility, their wives were now obliged to hire themselves out as servants."

This passage appears to me to be replete with information. The object of ALLA-UL-DIEN was to impoverish all ranks of men, and to augment the riches and the revenues, and exalt the power, of the sovereign. We know not what

regularly transmitted to the exchequer. He appointed officers to superintend the collectors, who were to take care that the *zemindars* should take no more from the poor farmers than in proportion to the estimate which they had given in of their *estates*; and, in case of disobedience or neglect, the superintendants were obliged to refund the overplus, and to pay a fine for the oppression."—I am informed that Colonel Dow, who had not a perfect knowledge of the Persian language, made his translation of FERISHTA's history through the aid of his moonshies (Persian instructors), with whom I well know he passed much of his time; and that they explained to him, in the Moor language (the common dialect of the country, in which he was more conversant) such passages in the history as he did not clearly understand. Comparing the above with the literal translation, it has very much the appearance of such an explanation as a moonshy was likely to give it. It must be recollected, that the official terms of finance were not then so well known as they are at present, especially to military men. ALLA-UL-DIEN reigned twenty-three years, and died A. D. 1316.

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the established rent of the land was, immediately before this arbitrary act of his administration; but, as some of the ryots are represented to have been comparatively wealthy, it must have been moderate. Under the Hindoo government, the *Ayeen Akbery* states the rent of the land to have been only a *sixth* part of the produce; and, accordingly, in the *ordinances of* MENU, the ryots, or husbandmen, are represented as employing servants under them. [r] In the *ordinances of the Pundits*, we find that, from this circumstance, viz. the moderation of the government rent, land was sometimes let by the possessory owner, or ryot, to a sub-tenant; and, in this case, the private rent was generally the same which the owner paid to government, viz. a sixth part of the produce.* Under these favourable circumstances, the situation of the ryots in Hindostan might be something similar to that of respectable yeomanry in European countries; and their relative situa-

[r] The following article, which ascertains this circumstance, seems at the same time to shew the footing upon which these owners of the land held their hereditary possessions: "If land be injured by the fault of the farmer himself, *as, if he fails to sow it in due time,* he shall be fined ten times as much as the king's share of the crop that might otherwise have been raised; but only five times as much, if it was the fault of *his servants,* without his knowledge."—Ch. viii. art. 243.

* Ch. xiii. of Shares in the Cultivation of Land.

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tion, in respect to one another, would be better and worse, according to the capacity and industry of the individual; but the reader will observe, that they never could become great *land proprietors*, even upon this footing, because their portions of land seem to have been limited; since it required a particular grant from government to hold a possessory property involving the allotments of many ryots; which formed what has been called a *talookdarry*. ALLA-UL-DIEN raised the government rent to one-half of the produce; which was a pretty sure mode of impoverishing the ryots. I make no remark upon the different mode of expressing this transaction in the two different translations. The reader, I think, will allow, that by whatever name it is mentioned, the assessment must have been a full and adequate rent for the land, or rather what may be styled a *rack-rent*. It also appears, that the Hindoo collectors here mentioned, were themselves ryots; and that, upon being stripped of the advantages they had before derived or exacted, as fees of office, from the poor ryots, they were reduced from great opulence and ostentation, to poverty and humility.

Towards the close of the Patan government, in the disgraceful and oppressive reign of Sultan MAHUMMUD, son of YEAS-UL-DIEN TUGLICK SHAH, the following picture is drawn of the country, by the pencil of the historian: "The

farmers

farmers were forced to fly to the woods, and to maintain themselves by rapine. The lands being left uncultivated, famine began to desolate the whole provinces; and the sufferings of the people obliterated from their minds every idea of government and subjection."—" About this time," it is added, " the taxes (*rents*) were so heavily imposed, and exacted with such rigour and cruelty by the officers of the revenue, that the whole extent of that fertile country between the two rivers, Ganges and Jumna, was particularly oppressed. The farmers, weary of their lives, in one day set fire to their own houses, and retired to the woods with their families and cattle." The vindictive monarch hunted them down like wild beasts, and without mercy destroyed many of them. In this reign, it is mentioned, that NUZERET KHAN, a Mahomedan, " who had taken the whole province of Bidder at one crore of rupees, finding himself unable to make good the contract, rebelled."—The following are the measures which were adopted by the Sultan, for reinstating the country: " He appointed an inspector, for the regulation of all that related to husbandry, by the name of *amier-kohi*, who divided the country into districts of sixty miles square, under a *sheikdar*, who was to be answerable for its cultivation and improvement. Above a hundred sheikdars received their appointments at once, and seventy lacks of rupees were issued out

of

of the royal treasury, to enable them to carry on their works." But the death of MAHUMMUD, which, after an unprosperous reign of twenty-seven years, took place A. D. 1351, seems to have prevented the result of this measure from being recorded.

The successor of MAHUMMUD was FIROSE SHAH, a monarch seemingly intended by Providence to compensate, in some degree, for the ruinous measures of his predecessor. He appears to have given the whole attention of an ingenious and well-regulated mind to the restoration of agriculture. He formed a great variety of canals across the country, between the Ganges and Jumna, to answer the double purpose of cultivation and water-carriage; and, by cutting through a high ground, and changing the direction of a river, he brought water to the sterile country of Serhind, and rendered it fertile. I do not find any circumstances mentioned, that throw light upon his financial arrangements. After a reign of thirty-eight years, the historian thus enumerates his benefactions to mankind: "He built fifty great sluices, forty mosques, thirty schools, twenty caravanseras, a hundred palaces, five hospitals, a hundred tombs, ten baths, ten spires, a hundred and fifty wells, a hundred bridges," &c. He died A. D. 1388. It is observed by FERISHTA, that, during his reign, "Bengal became, in a great measure, independent of the empire, pay-

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ing only a small acknowledgment annually, by way of present. He exacted no other terms of the Decan; so that these two great members were now lopped off from the government of Delhi."*

Nine years of civil wars and distractions succeeded the reign of FIROSE SHAH; during which, the most of the governors of the provinces, and the tributary rajahs, rendered themselves independent. These dissentions and divisions invited into Hindostan the arms of the invincible TAMERLANE; who, in the year 1397, made a progress of conquest and massacre, from the Sind to Delhy. No force that dared to oppose him, could withstand the regulated valour of his hardy Tartars, who were equally familiarized to fatigues and dangers. Of a very different description were the enervated cavalry of Hindostan; and the infantry were composed of a rabble, whom to attack was to disperse. It appears to me, that all the Mahomedan conquerors of Hindostan, owed their superiority over the Hindoos to the expert cavalry of which their armies were entirely composed, who were generally formed of Tartar troops, or of some other people, bred like them in a pastoral state of society. The troops of the native rajahs, on the other hand, consisted chiefly of infantry, with some elephants; perhaps they

* Dow's Ferishta, vol. i. from p. 341.

might be personally brave (so some of the rajah-poots were represented), but without discipline, and therefore very easily discomfited, and put to the rout, by good horse. This advantage, especially under such leaders as TAMERLANE and BABER, seems to have been equal to what, in modern times, we have seen the military discipline of Europe attain over the same people. When TAMERLANE arrived at Delhy, being encamped on the opposite side of the river Jumna, he crossed with only seven hundred chosen horse, to reconnoitre the city, which he intended to attack. Against this handful of troops, twenty-seven armed elephants, and five thousand infantry, sallied out of the city. The elephants were attacked by a select band (the heroes of Chighitta), and their drivers slain: the unwieldy animals, recoiling upon the Hindoo troops, threw them into confusion, which the Tartars rendered complete, by charging with irresistible effect. The rout became general, and the havoc was rather a massacre than a battle. The nominal emperor made his escape from the city, which submitted to the conqueror.

Thus was the conquest of Hindostan accomplished by TAMERLANE. But such an exploit never would have been deemed a complete conquest by any other person; as he prosecuted it no farther, abandoning the country, after the plunder of Delhy, and never returning to it again.

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It seems to me to have been a mere incursion, which produced no immediate change whatever upon the government; and therefore it ought not to stand recorded as an æra in the annals of Hindostan, nor to be regarded as the commencement of the Mogul Dynasty; which, in my judgment, originated in Sultan BABER.[s] But the Mogul monarchs themselves have been proved to claim their descent from the invincible TAMERLANE, and to found upon his conquests their right to imperial sway; a vanity which eastern writers have not failed to gratify. Upon the departure of TAMERLANE, all the subahdars of the different provinces relapsed into rebellion, and

[s] If TAMERLANE wrote a tuzuc (institutes), which was special to Hindostan, it indicates his intention to have established his government there; or perhaps it might have been applied to CHIZER KHAN's government, who acknowledged TAMERLANE's supremacy, and sent him tribute: but the very existence of such a tuzuc seems to imply, that the one which has been translated into English, was not intended for that country, at least not *specially*, as some writers seem to suppose. The argument, of some parts of AKBER's government having been modelled upon that of TAMERLANE, is not conclusive. The tuzuc was accessible to AKBER: he might adopt the institutions of TAMERLANE to whatever country they were originally applied. In the mode of ascertaining the land-rents by measurement, AKBER seems to have copied the plan of COBAD, king of Persia, which was carried into execution by his son NOORSHEERVAN. In these remarks, I have nothing but consistency in view. In respect to my own subject, it is a matter of perfect indifference.

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started up again into independent princes, [t] throwing off their allegiance to Delhy; the government of which became circumscribed to the limits of a province, incumbered with the mock state of an imperial establishment. Whether a prescribed tract of country was to be denominated a *province*, or an *independent kingdom*, depended upon the allotment of the land-rent, which constituted the essential revenue of the state: whereever it concentred, it established sovereignty, unrivalled and uncontroled by any internal competition! When it flowed into the imperial treasury, the intermediate subahdar continued a faithful servant of the crown; but if he intercepted it, and applied it to his own aggrandizement, he immediately became an independent prince, completely absolute, in respect to the country he governed, and only to be subdued by a power that was extraneous.

Between the reputed conquest of TAMERLANE, and the invasion of Sultan BABER, there elapsed a period of a hundred and twenty-seven years, [u]

[t] Guzerat was ruled by KHAN AZIM ZIFFER KHAN; Malva, by DELAWIR KHAN; Owde Kinoge, Kurrah, and Jionpoor, by SULTAN-UL-SHIRK KHAJA JEHAN; Lahore, Debulpoor, and Multan, by CHIZER KHAN; Sammana, by GHALET KHAN; Beany, by SHEEMS KHAN, &c.—DOW's Ferishta, vol. ii. s. 2.

[u] TAMERLANE's conquest was accomplished in the year 1398, and BABER advanced to Delhy, A. D. 1525.

which ought not to be annihilated in the annals of Hindostan; although, in the result, it did not produce a very material change in the circumstances and situation of the empire. During that interval, nine nominal emperors had reigned at Delhy; of whom four were distinguished for vigour of administration, and success; but what they did recover of the empire, was again lost, through the imbecility of their successors. [v] Sultan IBRAHIM, the last of the Patan emperors, succeeded to two successive vigorous administrations, but did not himself possess correspondent abilities. In a reign of twenty years, he had to struggle against the opposition of brothers, and refractory omrahs. Nevertheless, at the time when BABER invaded Hindostan, he is said to have been master of the country from the Sind to

[v] These emperors, in the order in which they succeeded one another, were, MAHMOOD, whose reign had been interrupted by the invasion of TAMERLANE, and who resumed his situation at Delhy upon TAMERLANE's departure; DOWLAT KHAN, an infant; CHIZER KHAN, whom TAMERLANE left viceroy of Moultan, Lahore, and Dibulpoor, and who assumed the empire in the name of TIMUR SHAH, and even remitted part of the revenues to SAMARCAND: he governed with great ability;—MUBARECK SHAH, his son, was also one of the distinguished emperors; MAHUMMOOD SHAH; ALLA-UL-DIEN; BELOLI LODI, whose abilities were very superior; his son, SECUNDER SHAH, who was enterprizing, capable, and generous; and, lastly, IBRAHIM, who fell in battle, and was succeeded by BABER.

Behar, and able to bring five hundred thousand men into the field; but they could not be compared in discipline and valour to those whom BABER commanded.

Sultan BABER, after a life of various fortune, checkered by the extremes of disaster and success, but always distinguished, on his part, by undaunted resolution and persevering enterprize, having at last possessed himself of the states of Cabul and Candahar, made inroads into Hindostan, as if to ascertain the strength and genius of its defenders, before he ventured to put all to the hazard, by advancing into the heart of the country. Upon such occasions, he distributed the booty that was acquired, among his soldiers, to attach them to his service, and to interest them in his undertaking. At last, observes the historian, "BABER, having in several actions perceived the inferiority of the Patan troops to his own, determined to delay no longer his final attempt upon the empire."—In the year 1525, he advanced into Hindostan, without staining his progress by indiscriminate slaughter, as the remorseless TAMERLANE had done: his army, consisting only of thirteen thousand horse, who were habituated to service. The Patan emperor, Sultan IBRAHIM, advanced from Delhy at the head of a hundred thousand horse, with a thousand elephants, to oppose him. The advanced guard of BABER's army was defeated, and driven back;

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and the approaching conflict bore a very threatening aspect. But BABER mustered all his resolution, and exerted all his skill. He had ordered chains to be made, with which he linked his guns to one another, that the enemy's numerous troops might not charge through them. The superior discipline of the Mogul cavalry is thus mentioned by FERISHTA: "So formidable were the Moguls to the Patans, from their known courage and steady order, that the emperor's unwieldy column began to break, and turn thin, before they came up to the charge, which was directed at the centre of the Mogul army."—Such an undisciplined and dastardly attack, would animate the valorous exertions of the Moguls. IBRAHIM was killed, and his multitudinous army completely put to the rout; and victory proclaimed BABER the *Emperor of Hindostan.* The comparison of this to the former invasions of that country, was drawn, it seems, by BABER himself, who, like CÆSAR, employed his pen upon the subject of his own military enterprizes, and is thus referred to by FERISHTA: "This conquest of Hindostan, as BABER himself writes, in his commentaries, was certainly superior to that of any former conqueror. Sultan MAHMOOD, of Ghizni, was not only a powerful emperor, but the country was at that time *divided into a number of kingdoms,*[w] which greatly

[w] This is a fact of some importance. MAHMOOD's government

greatly facilitated his enterprize. SHAH-UL-DIEN GHORI brought an army of 120,000 men with him, when the kingdom was not so powerful. The like may be said of TIMUR, who ravaged Hindostan, when it was torn to pieces by civil commotions. But the army of Sultan BABER was but a handful, in proportion to that of Sultan IBRAHIM, who possessed all the countries between the Sind and Behar, and could bring 500,000 men into the field; while BABER only possessed the poor countries of Cabul, Buduchshan, and Candahar, the revenues of which were very inconsiderable."—Of the treasury, which was very rich, FERISHTA says, BABER "reserved not a single dinar to himself, but divided it among his omrahs and troops," displaying, upon all occasions, that generous profusion which seems congenial to a splendid military character! [x] BABER's prudence and gallantry defeated a combination of the provincial governors to oppose him; and the country, as far as IBRAHIM's authority had extended, gradually submitted to his government. In the year 1530 he died. Two circumstances are mentioned of him, which mark at

vernment of Ghizni commenced A. D. 997, and continued till the year 1028; at which time it appears, from this passage, that Hindostan was composed of independent kingdoms, governed by their respective rajahs, or kings.

[x] I acknowledge that this observation is exceptionable, and that there have been *heroes* who were *scrubs*.

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once the goodness of his heart, and the excellence of his understanding: "He so often pardoned ingratitude and treason," says FERISHTA, or his translator, "that he seemed to make a principle of rendering *good* for *evil*."—"Whither soever he marched or rode, he always had the road measured after him."[y]

In the account that is given of SHEER SHAH, who dispossessed the succeeding emperor of his crown, some circumstances are mentioned, which illustrate the state of land property at that time in Hindostan. SHEER SHAH was originally named FERID. His father was a Patan, or Afghan adventurer, of the name of HASSEN, upon whom the subahdar of Jionpoor, in the reign of Sultan SECUNDER, had conferred a jagheer, for which he was to maintain five hundred horse, for the service of government. HASSEN sent his eldest son, FERID, to take charge of this jagheer, remaining himself at Jionpoor with his benefactor. Upon receiving this charge, FERID formed to himself the resolution of executing his trust with attention and justice; and "when he arrived at his jagheer," says the historian, "he actually put his resolution in practice, by rendering justice to the poor, and reducing to order such of the *zemindars* as opposed his authority. He, by

[y] ALEXANDER the Great, according to PLINY, took two geographers, DIOGNETUS and BÆTON, with him, in his expedition into Asia, to measure and describe the roads.

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this means, had his revenues punctually paid, and *his country* well cultivated."—From this passage of the history it would appear, that the two *pergunnahs* which formed this jagheer, were under Hindoo regulation, in respect to agriculture and finance; the rent being collected by the Hindoo collectors, here styled zemindars, who had doubtless an allotment of land rent-free, or some pecuniary allowance, for their maintenance. When HASSEN advanced in years, he became attached to a concubine, who prevailed upon him to remove FERID from the management of his jagheer, and to confer it upon her own son, who was named SOLIMAN; which was accordingly done: and FERID took the common road of other adventurers, by repairing to the court. He there acquired the friendship of DOWLAT KHAN, who making a proffer of his service, through his interest with the Emperor IBRAHIM, FERID stated to him, "that his father was now in his dotage, and wholly guided by an artful mistress, who deprived both himself and his brothers of their *patrimonial inheritance*, and had procured the jagheer for her own spurious offspring; that if DOWLAT would, therefore, by his interest at court, procure the jagheer sunnud in his name, he would promise to provide for his father, and maintain, five hundred good horse, for the service of the empire."—This application was made, but was refused by the emperor, who expressed some indignation at the attempt

attempt of a *son* to supplant a *father*: but upon the death of HASSEN, which happened soon afterwards, the jagheer was conferred upon FERID.

After this successful acquisition, application was made to FERID, in behalf of his brother SOLIMAN; to which he replied: "that he would willingly give him a proper share of his *father's inheritance*; [z] but that he must be excused from parting with any of his power."—About this time, the title of *sheer-khan* was conferred upon FERID, on the occasion of his having very gallantly killed a tyger; by which appellation he was thenceforward distinguished. Sultan MAHUMMUD, subahdar of Jionpoor, having been induced to befriend the claims of SOLIMAN, required SHEER KHAN to give up a proportion of his jagheer, as of right belonging to SOLIMAN. "SHEER KHAN returned for answer (in the words of the translator of FERISHTA), "that MAHUMMUD was very much mistaken in this matter: that there were no heritable estates in Hindostan, among Mahomedans; for that all lands belonged to the king, which he disposed of at pleasure: that as he himself had a personal grant of his jagheer, his brethren were entirely out of the question: that he,

[z] The *inheritance*, both from what is said here, and what is stated in the literal translation from FERISHTA, which follows, was confined to *moveable property*, and not applied to the succession of land among Mahomedans at that time in Hindostan.

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however, had already consented to give his brother SOLIMAN a part of the *money and moveables*, according to law." [a]—I am told, that this translation is not correct; and I am favoured with the following, as literally the words of FERISHTA: "It is not the custom of the country, that *landed estates* should belong to any one: this is the empire of Hindostan: on whomsoever the king confers a jagheer, with him it remains. The custom of the sultans has ever been to cause the wealth of deceased persons to be divided among their children, in conformity to the Mahomedan law; but to confer authority only on those capable of exercising it wisely."—(A verse).—"No one seizes on *an estate*, as an inheritance; it is only acquired by the point of the sword."—According to this translation, a jagheer is a *landed estate*; and landed estates *do not belong to any one*; but are at the disposal of the king. "No one seizes on a landed estate, as an inheritance."—I suppose, by the Mahomedan law?—We have the authority of FERISHTA, also, for *zemindars* being upon this very estate, whom some writers will have to be the *land proprietors*. The jagheer-

[a] Possibly this version may contain the explanation of Colonel Dow's Persian instructors upon the passage; or he might dress it, as he thought it would be intelligible to Europeans. The peculiar customs of a country are embarrassing to a translator, who wishes to convey an idea of them to persons who are unacquainted with them.

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dar and they must settle this point between them; and we have seen how SHEER KHAN settled it! Doubtless there were likewise *ryots* upon this estate, who are styled by the princes themselves, the *owners of the land.* [b] How are all these proprietary claims to be reconciled to one another?—I shall repeat my ideas; and leave the reader to his own determination. The *absolute property* is the king's, entitling him to the rent; which he transfers to the jagheerdar, for the support of a military force, to be employed in his service; and during the continuance of this obligation, the *estate* is the jagheerdar's. But this estate "*no one seizes on as an inheritance.*"—Upon this very estate there are *ryots*, and there are *zemindars*. The ryots, who are Hindoos, hold the heritable possessory property of limited allotments of the land; for which they are bound to pay the rent: which rent the zemindar collects, and is accountable for to the king, or his substitute. This account appears (to me, at least) to tally with every thing that is said, in respect to land, of the *sovereign*, the *jagheerdar*, the *zemindar*, and the *ryots*. With respect to the subject in dispute, MAHUMMUD forcibly dispossessed SHEER KHAN of his jagheers; but the history informs us, that

[b] Innumerable are the passages from the institutes and edicts of princes, that might be quoted in support of this assertion. For TAMERLANE's authority, see p. 21, part I. In the sequel, numerous examples will occur.

SHEER

SHEER KHAN, having joined the subahdar of Kurrah, under Sultan BABER, obtained from him a military force, with which he drove out MAHUMMUD, and got possession of his jagheer, to which he added some other pergunnahs.

Sultan HUMAIOON, the son and successor of the great BABER, was overpowered by the transcendent abilities and genius of SHEER KHAN; who, by a regular plan of artful ambition, and a successful exertion of the highest political and military talents, advanced, step by step, until he was enabled, first to rival, and then to conquer, his sovereign; whom he compelled to quit the empire, and take refuge in Persia. He then stepped into the vacant throne himself, and, under the title of SHEER SHAH, assumed the entire government of Hindostan. [c] During the five years that he reigned, he filled Hindostan with his glory, leaving behind him great and memorable traces of his government. [d] His death, which was occasioned

[c] FERISHTA observes, that "SHEER SHAH very prudently divided the kingdom of Bengal among a number of omrahs, independent of one another, and appointed KAZI FAZILIT, a native of Kurrah, famous for his learning and policy, to superintend the whole." Vol. ii. p. 165.—Ever since the reign of FIROSE SHAH, the possession of Bengal seems to have conferred independency. SHEER SHAH became first independent there himself; and the wealth of that government probably contributed to elevate him to the musnud. His own experience would therefore dictate this policy.

[d] "From Bengal and Sennargaum to Sind, or Nil-ab, which

sioned by an explosion of gunpowder, made way for the restoration of HUMAIOON; who having obtained an escort of troops from the king of Persia, advanced into Hindostan; in the superior provinces of which, he for some time supported himself, until the dissentions among the claimants to the succession of SHEER SHAH, occasioning discontent and division, many of the subahdars became disposed to renew their allegiance to the son of BABER. But above all, the prudence, courage, and consummate abilities of BYRAM KHAN, the instructor of young AKBER, had the most decided effect in restoring the affairs of HUMAIOON. The armies which were sent to oppose him, he defeated; and at last, in a decisive battle, which was fought near to Serhind, where the two emperors stood opposed to one another, and where young AKBER is said to have shared in the engagement, the destiny of SECUNDER SHAH was determined; and HUMAIOON was restored, by victory, to the possession of his crown. He was immediately proclaimed Emperor, at Delhy, and very wisely confided the reins of government to the trusty and able hand which had re-conducted

which is 1500 crores" (about 3000 miles), "he built caravansaries at every stage, and dug a well at the end of every crore."—He established horse-posts.—"Such was the public security during his reign, that travellers and merchants, throwing down their goods, went without fear to sleep on the highway."—Vol. ii. p. 170.

him to the throne.[e] But, in the succeeding year (A. D. 1555), the inoffensive and virtuous HUMAIOON, in consequence of an accidental fall, suddenly expired; and as his son AKBER was as yet but thirteen years and nine months old, BYRAM KHAN continued to conduct the affairs of the empire, in the capacity of regent.

" The first order issued from the throne," says FERISHTA, in the version of Colonel DOW, " after dispatching the letters of proclamation, was to prohibit the exaction of *peshcush* from the farmers, to let all goods pass toll-free, and to prevent the

[e] The following circumstance is stated in CATROU'S History of the Mogul Empire, which was founded upon the memoirs of MANOUCHI, who was forty years in the capacity of physician to AURUNGZEBE: " The first thing AMAYUM (HUMAIOON) did, after he was settled on the throne, was to reward the faquir chadaula, who first brought him the news of the death of CHIRCHA (SHEER SHAH), reconciled the minds of the people, and gained him the affections of the greatest part of the Indian lords. ' The king granted him an *estate in fee*, contrary to the laws of the kingdom, and confirmed it to his posterity for ever. The descendants of this illustrious faquir are the only Mahomedans of all the empire, who are possessed of any real estate, or can claim a property in lands. This is a curious particular, resting upon the authority of MANOUCHI; and I see no cause for questioning the truth of the facts which he asserts upon his own knowledge, namely, the circumstances that existed in the reign of AURUNGZEBE; from which it would appear, that this may be considered as the first instance of a grant of land to a Mahomedan, of the kind called *altumgha*, or hereditary.

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injurious practice of pressing labourers to the war."[f]—This order was calculated to give the most favourable impression of the commencing reign; which was afterwards distinguished equally by glory and wisdom. It is foreign to my present view, to enter into the military atchievements and heroic exploits of AKBER. He very soon assumed the entire management of his own government, for which he was so pre-eminently qualified. One after another, he reduced the subahs and provinces to complete submission; and, at last, every where established his undoubted proprietary right to the territorial possessions of his empire. [g] He then

[f] I am informed, that this last circumstance is not authorized by the original. The remark upon this passage is: "There is no mention made by FERISHTA, in the beginning of AKBER's reign, of abolishing the custom of pressing labourers into the military service. He abolished tolls, and certain presents usual on a new accession."—It is extraordinary, what could induce a translator to make such an addition, without any foundation. As the Persian books of India are all manuscripts, might not one copy contain a passage which was omitted in another?

[g] I re-state here, that the proprietary right of the sovereign consisted of the disposal of the lands, and the receipt of the rents. This might be held by the native prince, or rajah, who only paid a tribute to the emperor. But if this tribute was with-held, the country was exposed to be re-conquered, and totally subdued; in which case the sovereignty of the rajah was transferred to the emperor, who, of course, became the receiver of the *rents*, and the disposer of the lands; rights

then entered upon the important and arduous task of reforming and regulating the whole imperial land-rents and revenues throughout his dominions, and of establishing them permanently upon fixed, general principles, to prevent that fluctuation and uncertainty to which they had hitherto been liable, and to protect the ryots from oppression. For this purpose, he had not recourse to the agency of Mahomedans, which might have overborne and scared the timid and superstitious Hindoos; but with that penetrating discernment which could distinguish genius and character, he selected rajah TOOREL, or TUDOR MULL, whose faithful, accurate, and judicious discharge of this important duty has rendered his name immortal.

The merits of TUDOR MULL were not confined to his financial attainments: he was a Hindoo, of the chaytriya, or military, tribe, and had distinguished himself in the service of the emperor as a brave soldier, and a consummate general. When AKBER made choice of him to regulate the finances of his empire, he not only manifested

rights invariably attached to Asiatic sovereignty. To prevent his own governors, or subahdars, from usurping these rights, which constituted independence and sovereignty, FERISHTA says: "It was a maxim with AKBER, to change the governors of the provinces every three years, to prevent their acquiring too much influence in the countries under their command, and to shew the people that the royal authority prevailed through all departments of the empire."—Vol. ii. p. 282.

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MAHARAJA SERFOGI'S SARASWATI MAHAL

his discernment, by selecting the individual, but his judgment, by preferring a Hindoo for this peculiar duty, to a Mussulman. The subjects who were to be benefited, or injured, by these arrangements, were all Hindoos; and the agricultural and financial departments, so intimately connected with one another, were the attainment and formation of that ancient industrious people, who continued to be, even under the Mahomedan government, the sole objects, and the immediate agents, of their operation. The Mahomedan chiefs, who were the conquerors of Hindostan, were half-civilized barbarians, proud only of the occupation of arms, and unacquainted with the complicated attentions which are requisite to realize the fruits of the husbandman's labour into the treasury of the prince. At first they only received a tribute, in the form of a subsidy, from the native rajahs, who continued to hold the absolute government of their own states; and even when some of those states were taken under the immediate government of the Mussulman conquerors, by substituting themselves in the place of the Hindoo rajahs, and assuming the right to receive the land-rent, or revenue, which was all that was necessary to complete the revolution, they did not attempt to make any alteration in the modification of its production, or payment. Fully sensible of their own incapacity, they would be careful to preserve the agricultural and reve-

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nue arrangements which existed among the Hindoos; regarding that people as the hive of industrious bees, whose labours were to produce the *wax* and the *honey*. [h] But in some of the latter reigns, there might have been considerable deviations from the original plan of management, and the exactions were greatly increased. Under the reign of Sultan MAHUMMUD BEN TUGLIC SHAH, when the Hindoo ryots deserted their habitations, and took refuge in the woods, they must have been cruelly oppressed, and possibly the exactions were made, undoubtedly they were enforced, through Mahomedan agency. [i] The intelligent and philosophic FIROSE SHAH would probably correct those errors. In the reign of Sultan IBRAHIM, which immediately preceded BABER's conquest, zemindars are mentioned by FERISHTA, as a part of the establishment of those landed estates which constituted jagheers; and this circumstance seems to imply that the Hindoo agency, in the collection of the land-rents, was

[h] According to this allusion, the Mahomedans were the drones of the society; but unluckily the drones were armed with the stings, contrary to the apiary constitution.

[i] From the translated account of this reign, there appeared to me some foundation for this conclusion; but I am informed that the original does not support it. The effect of desertion, however, was very likely to arise from this cause. Of the superior Mussulman agency, there can be no question, which might be equally severe upon the Hindoo collectors, and the ryots.

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then prevalent. [k] But great defects and irregularities, as well as very gross abuses, appear to have prevailed in the revenue department, even under AKBER, previous to the last arrangements of TUDOR MULL. [l]

The approved system of this enlightened financier, probably owed its principal excellence to a partial adoption of the ancient Hindoo establishment, which he judiciously combined with Mahomedan appointments; placing the operative agency in the first, and the power in the last; and forming from these discordant *parts* an harmonious *whole*—as the genius of CHARLEMAGNE combined the ancient *Germanic constitution* (which

[k] This alludes to what is said on the subject of SHEER KHAN's jagheer, when he had charge of it in the lifetime of his father.—P. 39, 40, 41.

[l] In a translation from "Memoirs of the Year 982, of the Hegira, extracted from the *Muntukheb al Tauric* (historical collections) of ABUL KHADER BEDOWNI," with the perusal of which I have been favoured, I found the following passage, describing the abuses which prevailed in the revenue department, previous to the adoption of TUDOR MULL's last improvements. After describing a former arrangement, it is said, "these institutions were, however, subsequently disregarded, and the oppressions of the *crories* (officers performing the duties of zemindars) had depopulated several districts, whence the ryots dispersed, after selling their children. The revenues were suddenly diminished, and the crories becoming obnoxious to rajah TUDOR MULL's regulations, many died under corporal chastisement, and others in the course of their imprisonment."

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was founded upon the principle of individual freedom) with the government of *fiefs* (derived from relative dependence) in so complete a manner, that posterity has been deceived into a belief of their original co-existence, even in Germany; although such a combination was historically impossible. [m] Thus all the arrangements of TUDOR MULL are now imputed to the *Mogul government*, and regarded as *Mahomedan institutions*; although borrowed from, and conferred upon, *Hindoos*, and the whole fabric of their structure rests upon the *constitutional law* of that people. This justly-admired system of finance may be analyzed, by applying the criterion of *inheritance*, before mentioned, to the different appointments of which it is composed. In the first place, the hereditary right of the ryots to the lands which they occupy and cultivate, is founded upon the constitutional law of the Hindoos; which seems to stand opposed to the general practice of Mahomedans, in respect to landed property. We have seen, from the testimony of FERISHTA, that among the Mahomedans, "no one seizes upon a landed estate, as an inheritance." [n]—But Mahomedans

[m] If this illustration should not be clearly intelligible to the reader, an explanation of it will be found in the last part of this work.

[n] In Colonel Dow's translation, this seems to be rendered, "There were no heritable estates in Hindostan among

homedans might, and afterwards did (as did also Christians), acquire the hereditary possession of land upon the *pottah* tenures of the Hindoos, by purchasing them from the ryots, with the permission of government, or its agents; in which case they, in fact, became (in respect to the government) ryots, or husbandmen, accountable for the land-rent due to the sovereign; or, by acquiring a larger extent of the same species of hereditary possession, they became what are called *talookdars*. In either situation, they were the perpetual tenants of the crown, and equally liable for the land-rent.

The officers of government, who were to have the most immediate intercourse with the ryots, or husbandmen, and whose particular duty was to collect their rents, and encourage their industry, were what have been called *choudries*, and *crories*, and afterwards *zemindars*; who were invested with coercive authority over them, to enforce the cultivation of their lands—upon which the production of rent was to depend—and to yield them, at the same time, their protection. They were Hindoos, and the original appointment must have been of Hindoo institution. In every period of the history of Hindostan, there appears to have been Hindoo collectors of the land-

among Mahomedans;" which shews how he understood it, and probably how it was explained to him by his Persian instructors, who were learned men, and natives.

land-rents for government. These circumstances account to me for the hereditary rule of succession being followed, in general, even under the Mahomedan government, in conferring the appointment of zemindars. That it was not made absolutely hereditary, like the canongoe appointment, probably proceeded from the circumstance of clandestine emolument being so much attached to it; which might determine the wise institutor of the Mogul system of finance to make it a sunnud, or charter appointment; if it was so constituted by him. At any rate, it is known that, since the reign of AURUNGZEBE,* the appointment has been made in this manner.[°] Under the zemindar, whose importance was proportion-

* A. D. 1659.

[°] I had occasion to observe before, that the zemindarry appointment has been a subject of contention. The point contended is, whether zemindars were, or were not, the proprietors of the lands, of which they collected the rents? The circumstance of the office having been generally conferred upon persons of the same family (proceeding, in my opinion, from a partial compliance with the customs of the Hindoos, to whom it was at first confined), together with its relation to land, has given rise, in the minds of Europeans, to the idea of *landed property*, as it exists in Europe; so totally different from its existence in Asia!—Upon this subject, something has already been said; and it will, in the sequel, be more fully discussed. With respect to the history of the zemindarry appointment, there may be some difficulty, and a latitude left to conjecture. But as to the nature of the appointment, since the adoption of the sunnud, I think there ought to be none.

ed to the extent of his district, there were subordinate Hindoo officers, or agents, employed by him, and probably of his own appointment, who collected the rents of a small portion of country, or of a village, which they accounted for to him. Since the word *zemindar* has been applied to the principal, the subordinate collectors have been denominated *choudries*, and those who collected in villages, *mocuddims*. They were, in general, themselves ryots, and, on account of their official situation, are often styled the *head ryot* of a small district, or village.

The office of regulation and control, in respect to the sources and the *quantum* of the rent, or revenue, so necessary and so beneficial for ascertaining and preserving the respective rights, both of the *hereditary* tenant and the *proprietary* sovereign, and for checking imposition on the part of the *official* collector, to which there were so many temptations and inducements, was filled by officers who have been denominated *canongoes* and *putwaries*. The canongoe was the principal, and the putwary the subsidiary officer, in the department of control. These officers appear to me to have been of *Hindoo* origin: they were appropriated to *Hindoos*; and they have always been rigidly *hereditary*. Under these circumstances, it seems to be erroneous to call them *Mahomedan appointments*. They formed a part of the system of finance which was organized by TUDOR MULL,

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and sanctioned by AKBER; but I apprehend it was a part which that intelligent native of Hindostan borrowed from the institutions and practice of his own country, appropriating them to *Hindoos*. There does not appear to be a single instance of a Mahomedan appointment, originating in *Mahomedans*, and appropriated to *Mahomedans*, which was *hereditary*. Even the office of *king* was *Hindoo*: the Mahomedans adopted it. The relative duties of the canongoe and the putwary, are thus expressed in the *Ayeen Akbery*: "The *putwary* is employed on the part of the husbandman, to keep an account of his receipts and his disbursements; and no village is without one of these. The *canongoe* is the protector of the husbandman; and there is one in every *pergunnah*."* They were paid by government, for these benevolent purposes, and were essential to the encouragement of agriculture, and the consequent augmentation of revenue; forming the most marked feature in the financial system of TUDOR MULL.[P]

* Vol. i. p. 358.

[P] It is somewhat extraordinary, that these officers are hardly mentioned in the text of Sir CHARLES BOUGHTON ROUSE's *Dissertation* concerning Bengal. The truth is, their official existence was incompatible with the proprietary claims which he assigns to the zemindars: and, accordingly, since the *perpetual settlement* was adopted, their control over the official conduct of the zemindars has entirely ceased.

The higher offices of finance, exercising the immediate authority of government, forming the channel for the conveyance of the edicts, and the ordinances of the sovereign, and for the supreme direction of the revenue department; were filled by the dewan and his coadjutors, dependants, and assistants; resembling the exchequer appointments of European states. These were completely *Mahomedan institutions:* they originated in *Mahomedans*, were generally held by *Mahomedans*, and were always *personal*, and never *hereditary*; conferred, annulled, continued, or exchanged, in the option, and at the pleasure, of the reigning prince. Thus there seems to have been a two-fold arrangement of financial appointments constituted by TUDOR MULL; which were appropriated, respectively, to the Hindoos and the Mahomedans. The former exercising those that were immediately connected with the cultivation of the land, and the produce of the soil, of which they were the hereditary occupants; and the latter being the executors of the will of the prince, as his immediate officers and servants.

According to the *Ayeen Akbery*, "in former times, the monarchs of Hindostan exacted the *sixth* of the produce of the land;" which seems to express the state of the land-rent under the Hindoo princes. The author of *An Inquiry into the Nature of Zemindarry Tenures*, makes the following

lowing assertion upon this subject: "We know, from the most ancient authentic accounts of native writers, that it" (the principle by which lands were held in Asia) "prevailed in Hindostan, in the time of the Hindoo monarchs, before the first Mussulman invasion, and that the proportion of the gross annual produce of the soil then claimed by the prince, as revenue-rent from the ryot, was settled at one-sixth part of the whole." *—This does not differ much from the regulation that is laid down in the *Ordinances of* MENU, notwithstanding the immense antiquity of that work; [q] under the head of *Government and Public Law, or the Military Class.* The words are: "Of cattle, of guns, of gold and silver, added each year to the capital stock, a *fiftieth* part may be taken by the king: of grain, one-*eighth*, one-*sixth*, or a *twelfth*, according to the difference of the soil, and the labour necessary to cultivate it." †—Under the head of *The mixed Classes, and Times of Distress*, it is said: "A military king, who takes even a *fourth* part of the crops of his realm, at the time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin." ‡—Also, "The tax on the merchant class" *(vaisya)*, "which, in times of prosperity, must

* Page 3.

[q] Twelve hundred years before the Christian æra.

† Ch. 7. art. 130.

‡ Ch. 10. art. 118.

be only a twelfth part of their crops, and a *fiftieth* part of their personal profits, must be an *eighth* of their crops in a time of distress, or a *sixth, which is the medium*; or even a *fourth*, in great public adversity: but a *twentieth* of their gains, on money and other moveables, is the highest tax. Serving men, artisans, and mechanics, must assist by their labour, but at no time pay taxes." [r]—There seems to be some incongruity in this statement, respecting the land-rent, an *eighth* being applied to a time of distress; and yet a *sixth* styled *the medium*. This easy rent, which was all that the possessors of land paid, made the situation of the husbandmen much more affluent than it has been under the Mogul government. They are accordingly mentioned in the Ordinances of MENU, as having an establishment of servants; and sometimes they lett their possessions to be cultivated by an under-tenant. [s] When land was given by

[r] I have copied the whole of this article, which those who have given attention to the important subject of taxation, will probably admire. We have here the income-tax of the Hindoos, which was one-*fiftieth* part, in common, and was restricted to one-*twentieth* in the most necessitous times. The exclusion of the poor from the payment of taxes, must be deemed judicious. The exaction of labour might indeed be oppressive; but the 138th article of the 7th chapter, regulates it: "By low handicraftsmen, artisans, and servile men, who support themselves by labour, the king may cause work to be done *for a day in each month*."

[s] See what is said upon this subject, p. 33.

the king to a learned brahmin, it was the *lordship*, or the *absolute property*, involving the rents, and every other advantage the king himself enjoyed, that was given; not the *possessory property*, which could only be vested in the *vaisya* tribe, whose hereditary right it was, and who alone could constitutionally hold it; except when individuals of the two superior tribes, *chaytriya* (military), or brahmin (priests), were reduced by necessity, for immediate support, to perform the functions of the *vaisya* tribe; in which case, they became in reality husbandmen, performing the duties, and paying the rent due from that class. In like manner, the brahmin might, for support, assume the military character; which was indeed ordered to be his first resource. But no inferior tribe, according to the Ordinances of MENU, could assume the situation and functions of one that was superior: [t] and it was only the plea of necessity, which

[t] In a treatise upon the *Indian Classes*, by H. T. COLEBROOKE, Esq. inserted in the fifth volume of the Asiatic Researches, which contains, I suppose, the present customs, I find the following statement: "Although a man of a lower class is, in general, restricted from the acts of a higher class, the *sudra* is expressly permitted to become a trader, or a husbandman."—"Hence it appears, that almost every occupation, though regularly it be the profession of a particular class, is open to most other classes; and that the limitations, far from being rigorous, do, in fact, reserve only one peculiar profession, that of the *brahmana*; which consists in teaching the

which tolerated in the higher tribes this temporary degradation; so that it was not in the power of a brahmin, or chaytriya Hindoo, to be at once the *absolute lord* and the *possessory proprietor*, or, in European language, to be the *landlord* and the *tenant* of the same land. [u]

The rate of rent for land, established by the regulations of TUDOR MULL, greatly exceeded the ancient establishment of the Hindoos; but, at the same time, it must be observed, that

the *veda*, and officiating at religious ceremonies."—The Ordinances of MENU do not agree entirely with this: and, according to DIODORUS SICULUS, the ancient Egyptians were much more rigid upon these subjects. He says, that if any artisan interfered in the affairs of government, quitted his paternal profession to engage in another, or attempted to employ himself in more than one, he was severely punished.—B. i. s. 2. ch. 25.

[u] For the illustration of these peculiarities, I give the following extracts from the *Ordinances of* MENU, ch. x. art. 81: "Yet a brahmin, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next in rank."—Art. 82: "If it be asked how he must live, should he be unable to get a subsistence by either of those employments, the answer is, he may subsist as a *mercantile man*, applying himself, in person, to tillage, and attendance on cattle."—Art. 95: "A military man in distress, may subsist by all these means" (the different avocations of the *vaisya* tribe), "but at no time must he have recourse to the highest, or sacerdotal function."—In art. 97, it is said: "He who, *without necessity*, discharges the duties of another class, immediately forfeits his own."

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moveable property appears to have been more generally taxed by the Hindoos than by the Mahomedans; owing, probably, to the astonishing progress which mercantile transactions had made among them at a very early period; and of these taxes, a proportion must have fallen upon the husbandmen, in addition to their land-rent, in common with the other members of the community; the only persons excepted from which, being the learned brahmins, who were exempted from all taxation whatever. [v] A new rule of mensuration was, by the emperor's authority, adopted; and an accurate survey and measurement of the whole lands of the empire, excepting those of the Decan (which remained in a tributary state), was taken, ascertaining the qualities, as well as the quantities, of the cultivated land in every *pergunnah*, or revenue division. [w] The land was dis-

[v] Brahmin birth, and sacred literature, approximated the human being to the divinity, according to the ideas which these *learned brahmins* very assiduously and very successfully inculcated. " A king, even though dying with want, must not receive any tax from a brahmin learned in the *vedas*; nor suffer such a brahmin, residing in his territories, to be afflicted with hunger." Ord. of MEN. ch. vii. art. 133. Whatever might become of the king, this was taking special care of the brahmin!

[w] It appears that the lands had before been measured by SHEER SHAH and SELIM KHAN, who are said in the *Ayeen Akbery*, to have abolished the custom of dividing the crops, and

distinguished into four different kinds, or qualities. Of the first and of the second sort, a subdivision was made into three species, and a medium calculation taken to establish the general produce, which being estimated in money, one-*third* part formed the rent that was to be paid to the crown. The marks of these kinds of land were, that the first sort required no fallow at all, and the second but very little. The other two sorts, which required from three to five years rest, in order to be recruited for cultivation, made a proportional diminution of rent from them necessary: so that the *rebba*, or fourth part of the valued produce of the whole, seems to have been considered as the general land-rent of the empire; [x] which was

and to have made a measurement of the cultivated lands, taking the *rebba*, or *fourth*, of the valued produce, for the rent. But AKBER instituted the *ilahee guz*, which consisted of forty-one fingers, for the standard, and formed the *begah*, or *jerreeb*, "of sixty squares, which he made to consist of that number of *ilahee guz*;" making the begah equal to 3600 square guz; and adopting the plan of NURSHEERVAN, King of Persia, whose rate of rent, for the best of the land, he seems to have taken.

[x] There is said to be some doubt, whether this, or any general rate of rent, be expressed in the *Ayeen Akbery*. In Mr. GLADWIN's translation none appears. The author of the *Inquiry into the state of Zemindarry Tenures*, thinks that Mr. GLADWIN's copy of this book must, in this particular, have been defective. I am told by a gentleman conversant in

was deemed about equivalent to one half of the produce, when taken in kind. [y] Enough appears

in the Persian language, that a very slight difference in the writing of one word, produces a sense totally different in the translation of the same passage; which is the cause of the disagreement on this occasion. Upon such a subject, a person who is no Persian scholar, has hardly a right to offer an opinion. One circumstance, however, appears striking to me: as in the *Ayeen Akbery*, the general rate of land-rent in every other country is particularly mentioned, is it not natural to expect, that in such a work, the general rate of the land-rent of Hindostan should likewise have been stated? Mr. GRANT's interpretation of this passage, therefore, gratifies the expectation of a reader; and it appears also to correspond with the specifications that are given. The following is the explanation I have received, of the cause of difference alluded to: *rebba*, the *fourth*, spelled in the Persian with the same letters as *reya*, or *produce*, with the difference only of two points under the letter *y* in the last word, instead of one point under the *b* of the former." *

[y] A Persian writer, KHAFI KHAN, gives the following account of the rent assessment of TUDOR MULL: "A new mode of collecting the revenues was also adopted, named *buttai* (division): the aggregate quantity of grain produced in the autumnal and vernal harvests, by the sole influence of the periodical rains, underwent an equal division; one half *rewarded the labour of the husbandman*, and the remainder was appropriated by government. With respect to vegetable productions used for culinary purposes, the sugar-cane, opium, ginger, and wherever agriculture requires artificial moisture, and a consequent addition of the cultivator's disbursements, it

* The general sense of the passage, must, I think, direct the choice of the word.

pears of this assessment, which formed the foundation for every subsequent one in Hindostan, to establish the very great proportion which it bore to the general produce; and I leave the reader to judge, whether this assessment did not constitute a *rent* equal to the full demands of any land-proprietor; and whether there was room left for the payment of any other rent to any other person whatever? Indeed, in every account that is given of these revenues, the supposition of any other payment is precluded, by the express declaration that the rest of the produce belonged to the *ryot*, or husbandman. How improperly then are the words *tax*, *duty*, and even *quit-rent*, applied to this payment; implying the supposition that (as in Europe) a greater payment was to be made to some other person, who was the private proprietor; but no such payment, and no such person can, in Hindostan, be produced. The rent paid to government, was the only rent that was demanded from the pos-

it was directed that one-fourth should suffice, when taken collectively, and if separately, one-third, when taken from grain crops, and from one-fourth to one-eighth from the more expensive productions, *leaving the remainder to the ryot.* The dues of government might also be collected from such crops in money, if judged preferable, in the proportion of the *fourth* of the estimated produce of each begah, &c. This mode of assessment, under the denomination of *dara*, or institutes of rajah TUDOR MULL, has prevailed in the records of the *canongoes*, and regulated the *tacsim*, or *jummah*, of the ryot, from its establishment to the present time.

sessor

sessor or hereditary tenant of the land. If the collector assessed more, he was guilty of oppression to the husbandman, and liable to exemplary punishment. Such, I apprehend, was the crime of those *crories* (a species of *zemindars*) who are mentioned by the historian ABDUL KHADER BEDAONI, as having suffered severely in the reign of AKBER, for being the cause of the depopulation of the districts; of whom he says, "many died under corporal punishment." The injunctions on this head from the *khalsa*, or revenue department, are imperious and strong.

PART III.

THE EMPIRE OF HINDOSTAN, AND THE CONSTITUTION OF THE MOGUL GOVERNMENT.

THE phraseology by which the writers of Europe deceive themselves, as well as their readers, in treating of the Asiatic land-revenue, is dictated by European prepossessions. In Europe in general, and in England in particular, all cultivated lands are private property, and do not belong to government; the rents of which are drawn by the individual proprietors; and any payments made from them to government, are of course, *duties*, *taxes*, or a *quit-rent*: therefore these writers conclude, that whatever is payable to government from the lands in Hindostan, or in Asia, although it be the *whole rent* which the land produces, must, in like manner, be denominated a *duty*, a *tax*, or a *quit-rent*. And, to increase this affinity, although the sovereign dispose of the land at pleasure, and give immediately from himself the most minute directions as to its cultivation and management, yet his *proprietary rights* are to be put upon the same footing with the present obsolete claims of the *feudal system*, in respect to the

the monarchies of Europe, which are altogether a *fiction*. But surely there can be no *fiction* in drawing all the rents of the whole lands composing an empire? To make this similarity still more complete, a private proprietor must be found, and the *zemindar* most opportunely presents himself; who, although in respect to power, one of the inferior officers of the revenue department, yet, being a *Hindoo*, and his office therefore generally, though not absolutely, conferred in the order of hereditary succession; being paid, too, when he had not an allotment of land for his subsistence (which I imagine to have been generally the case under the Hindoo government),[a] by a com-

[a] I find, by *the Ordinances of* MENU, that even the military commanders were paid in this way. The following quotations from that work will be deemed curious, in more respects than one.—Ch. vii. art. 115: "Let him (the king) appoint a lord of one town with his district; a lord of ten towns, a lord of twenty towns, a lord of a hundred, and a lord of a thousand."—Art. 118: "Such food, drink, wood, and other articles, as by law should be given to the king by the inhabitants of the township, let the lord of one town receive as his perquisite."—Art. 119: "Let the lord of ten towns enjoy the produce of *two plough-lands*, or as much ground as can be tilled with two ploughs, each driven by six bulls; the lord of twenty, that of *five plough-lands*; the lord of a hundred, that of a *village*, or *small town*; the lord of a thousand, that of a *large town*."—I infer the probability of other resident officers of the crown being paid in the same way. But the collectors are not mentioned in this work, as people

commission of ten per cent. upon the sum that he collected, seemingly to prevent a double transaction in the payment of his salary; this *one rupee* out of *ten*, from the rents of the land, which the zemindar receives for collecting, not only the land-rent, but the other revenues of the crown, [b] being

people of great consideration. Their importance increased with the magnitude of the districts which were given to their charge; which were less and greater at different times, and in different situations: large zemindarries seem to have become, latterly, more prevalent throughout Hindostan, and in particular in the province or kingdom of Bengal. With respect to those governors of towns, an ordinance, following those already transcribed, viz. art. 123, gives but a bad impression of them;—the words are: "Since the servants of the king, whom he has appointed guardians of districts, are generally *knaves*, who seize what belongs to other men; from such knaves let him defend his people."—From hence it appears, that the abuse of power is not of a modern date.

[b] It is material to observe, that the *zemindar* is collector of the *customs* and the *excise*, as well as of the *land-rent*. These do not appear to be the necessary adjuncts of a great *land-proprietor* in Europe? The zemindar appears to be the collector, or farmer, of the whole. This circumstance occasioned a minute to be delivered into council by the great and dignified character, who acted a part, of which he seems to have been unconscious, when he revolutionized India, by establishing what has been called the *permanent settlement* with the zemindars. The following extract, which I believe to be authentic, manifests the deception which misled him, and which was so strong as to prevent him from detecting an absurdity,

ing interdicted, at his peril, from augmenting *any one of these exactions*, constitutes him, in their idea, the *proprietor:* and the *nine-tenths* received by the sovereign, is deemed a *duty*, a *tax*, a *quit-rent!*

In the year 1773, a parliamentary inquiry into the affairs of the East India Company, by the examination of evidences, established the footing upon which landed property and land-rent were then understood to exist, and to have always existed, in Hindostan; which appears to have been accurately just. But since that time, gentlemen, who were veterans in the habitudes of Europe, having been sent out in high situations, without any previous experience in India, the attempt has been made by them to reconcile the existing system of Hindostan to their local prejudices, by converting the peculiar appointments of Asia into the aristocratical establishments of Europe; and

surdity, at the very time he was stating it. After admitting that zemindars "had hitherto held the *collection of internal duties*," he observes: "It is, I believe, generally allowed, that no individual in a state can possess an inherent right to levy a duty on goods or merchandize purchased or sold within the limit of his *estate*, and much less upon goods passing along the public roads which lead through it. This is a privilege which the *sovereign power* alone is entitled to exercise; and no where else can it be lodged with safety."—Which circumstance ought to have informed the noble lord, that the *zemindarry* was not an *estate*, but a *district*; and that the *zemindar* was not a great *land-proprietor*, but an *officer of government*.

by

by elevating the subordinate and dependent zemindar, whose duty was to collect, or to realize to government the land-rent, as well as the customs, tolls, and other taxes, into the great and independent *land-proprietor*; a character which never did at any time exist in Asia! [c] and thereby to undermine the constitutional authority of government, and to destroy the proprietary rights of the ryots, or husbandmen, who, in Hindostan, always have been the immediate hereditary tenants of the crown. After that time, a new lan-

[c] The *Dissertation concerning the Landed Property of Bengal* (to which I shall immediately attend), mentions the *landed interest* in India in the following passage: "And, as to the zemindars, I say decidedly, let them grow rich. The state will grow rich also, through the wealth of the *landed interest!*"—These are purely European ideas! If the *landed interest* be formed from the rents of the lands, it exists in the sovereign power, and not in the zemindars; at least, in the proportion of *nine* to *one*; and this proportion cannot be lessened, but by impoverishing the governing power, and finally supplanting it. The author of the Dissertation, however, thinks otherwise; and adds: "We should regard it (the landed interest, existing in the zemindars), as the hen that lays the golden eggs; and it would be an idle frugality that grudges the expence of her being well fed." P. 175.—I suspect, however, that the *ryots* will better answer the character of the *hen*; and that the *zemindars* will be found to be the *weasels* who suck the eggs. It would be a fatal mistake, to feed the *weasel*, in place of the *hen*. This substitution of a figure, for an argument, is but presenting a shadow in the place of a substance.

guage

guage appears to have been adopted by the servants of the East India Company abroad: feudal ideas float perpetually in their imaginations; and the institutions of Hindostan are explained in the phraseology of a system which never could have any existence in that country. [d] All is allusion to the military tenures of ancient Europe: nor could the peaceable zemindar now know himself, accoutred and disguised in the garb of a feudal knight!

Such appear to me the circumstances that have given rise to the question respecting zemindarry property, which has occasioned so much altercation in India, and produced two publications in Europe, by gentlemen who had resided in India; but who have adopted very different opinions upon the state of landed property there. The first is a work which I have already had occasion to mention, and is entitled, *An Inquiry into the Nature of Zemindarry Tenures*; and the other, which is a sort of reply to it, is entitled, *Dissertation concerning the Landed Property of Bengal.* I shall therefore, in referring to these works, mention them under the general designations of the *Inquiry*, and the *Dissertation.*

[d] What is here said, refers to the property of land, founded upon ancient hereditary fiefs; which is the foundation of the aristocracy in Europe; of which there is not a vestige in Hindostan, nor in any other of the Asiatic monarchies, notwithstanding the frequent allusion to it.

When

When it is said, at the opening of the *Inquiry*, "that the sovereign is *sole*, universal *proprietary* lord of the land, and that the ryots, who are the husbandmen, or peasantry, hold directly of the prince, by immemorial usage, as perpetual tenants *in capite*;" this assertion does not appear to me to deny the existence of *hereditary property* in India, any more than when we say, respecting feudal states in ancient times, that the king's military vassals held their lands *in capite* of the crown. In both cases, the land was derived immediately from the sovereign; in both cases, the property was complete, and hereditary in the persons to whom it was granted; in both cases, there were certain conditions on the part of the tenants; upon the failure of which, the land was forfeited, and reverted to the crown. The only difference between these cases, consisted in the circumstances of the persons to whom the grants were given, and in the nature of those grants. The *feudal* sovereign, in general, preferred men of high rank, upon whom he conferred extensive possessions, for the purpose of raising military vassals; but the *Hindoo rajah*, and, afterwards, the *Mahomedan* princes, conferred their tenures *in capite* (that is, immediate grants from the crown) upon the *ryots*, or the *socage tenants* (the husbandmen), in small portions, for the purpose of agricultural production, to increase their land-rent and revenues; by which their power would be proportionably augmented; pre-

ferring

ferring *very small* to *very large* proprietary establishments;—the good policy of which, in respect to the monarchy at least, the experience of ages seems to have confirmed. When the author of the *Inquiry* styles the sovereign in India, "the proprietary lord of the land," he, doubtless, alludes to the destination of the *land-rent*, which is paid into the *royal treasury*. Upon the subject of collecting the rents, there seems to be no difference between the *Inquiry* and the *Dissertation*. Both writers declare the *zemindars* to be the *collectors*. [c] But, although they agree so far in the purpose and the use of this appointment, they are at variance respecting the nature of it; the one considering a zemindarry to be a *hereditary* property of land, and the other regarding it as merely an *official* appointment.

The author of the *Dissertation* seems to deride the idea, of a simple ploughman being the imme-

[c] The following passage from the Dissertation, establishes this point: "But it is infinitely more consequential, when the chief revenue of the state is raised upon the land, without having recourse to the complicated system of taxes on general consumption, which prevail mostly in Europe; to ascertain not only the practical rules, by which that revenue shall be collected, but the character and condition of the persons who are to gather it from the ground-tenants and cultivators, and pay it into the public treasury. *Such were the zemindars and talookdars*, in their several gradations, throughout the extensive dominions occupied by the British nation, in the provinces of Bengal, Behar, and Orissa."—Diss. p. 18 and 19.

diate

diate tenant of the crown; regarding the intervention of a *great land-proprietor* as indispensible between them. Here he disdains argument, and seemingly reposes upon the prejudices of Europe, which were likely to support him. But, from what has been stated, respecting the tenures of land in general throughout Asia, I hope this will not appear so inconsistent as the *Dissertation* would represent it. When did the crown instruct the land-proprietors in England how to treat their tenants, and how to crop their fields? When did it limit them, in rigid terms, not to dare to receive the smallest item from their tenants, beyond a prescribed and regulated *rent*, in behalf of *government*, for every fraction of which they were, at their peril, to be accountable? [f] Has either the author of the *Dissertation*, or the author of the *Inquiry*, received any such instructions from the *Dewan* of England (the Chancellor of the Exchequer) respecting their tenants; whom the *Dissertation* puts upon the same footing with the *ryots* in Hindostan? [g]

The

[f] For these instructions, the reader is referred to the regulations contained in the *Ayeen Akbery*, and to two firmauns, which are esteemed authentic, that were issued by the Emperor AURUNGZEBE; of which copies are given in the Appendix, No. II. and III.

[g] The author of the *Dissertation*, upon this subject, asserts: "It appears that my tenants, or his, might with equal propriety be called tenants *in capite* to the king." P. 73.

The point, against which the author of the *Dissertation* directs the whole of his opposition, is the

P. 73.—He may be asked, Do your tenants, or his, pay their rents to the crown? Do not you, or he, raise or advance your rents at the expiration of leases, for your own emolument, or may you not do so? Can zemindars do so?—The zemindar dare not demand any thing under the name of rént from the ryots, but what is agreed for in behalf of government. Are your tenants so circumstanced?—Zemindars have, it is true, clandestinely imposed taxes upon the *crown tenants*, which have been called *aboabs*; and which, when discovered, have either been absolutely prohibited, or applied to the emolument of government; forming an additional rent to the *proprietary lord*. Had the zemindars been the proprietors of their districts, they certainly might (like European proprietors) have raised their own rents openly, after paying the *quit-rent* to government: but no such thing ever could be done in India. These circumstances occasioned minutes to pass in the Bengal council, when the *perpetual settlement* was determined upon, which it is amusing to read, from the state of perplexity they indicate in the writers. The gentleman (now ennobled), who knew perfectly the effect of these taxes, or *aboabs*, but chose to keep up the mystery, of which a complete explanation would have defeated the system altogether, says: "The idea of the imposition of *taxes* by a landlord upon his tenants, implies an inconsistency; and the prohibition, in spirit, is an encroachment upon proprietary right; for it is saying, *you shall not raise the rents of your estate.*"—The reader must at once perceive, that the inconsistency proceeded from making the revenue *district* a *landed estate*. In the reply which was made by the noble lord who presided, it is evident that he affixes the European meaning to the word *taxes*, which is used as explanatory of *aboabs*, by descanting upon

the assertion, in the *Inquiry*, that the sovereign was the "sole proprietary lord of the land."—The circumstance of the labouring peasantry being the immediate tenants of the crown, by holding *hereditary leases*, he treats with ridicule; satisfied that his European readers, from their prejudice in favour of great *land-proprietors*, will be disposed to regard it as an absurdity; notwithstanding that the appropriation of agricultural land is confined to that description of people universally all over Asia. Upon these premises, and, seemingly, not adverting to the circumstance, that *hereditary leases* constitute actual property, the whole bent of his arguments is to prove, *that the sovereign was not the exclusive proprietor of the lands*: concluding that this circumstance will consequently establish the *zemindars* to be the *great land-proprietors*; without whom it was impossible for a political society (upon European principles) to exist: whereas the perpetuity of the sovereign power in Asia, actually depends upon this very

upon the impropriety of *landlords* imposing *taxes*. He seems not aware, that there is no other mode left for them, now that they are made the *proprietors*, to increase their rent: and, at the very time that he declares their right to the property, he debars them of every advantage resulting from it. The explanation, which appears to me abundantly perplexed, is too long for insertion here; but shall be given in the Appendix, No. V. All that is said on both sides, seems demonstrative of the absurdity of making *zemindars*, *land-proprietors*.

circumstance. The *Dissertation* accomplishes its purpose of establishing, that *hereditary property* of land did exist in Bengal and in Hindostan: but it so happens, that the instances produced in support of this proof, apply to the *ryots*, and not to the *zemindars*.

There is at least some doubt how far the institutes of TIMUR were intended to apply particularly to Hindostan; they could hardly be intended to apply to Bengal, as TAMERLANE never conquered that country. The passages from that work, however, referred to in the *Dissertation*, which are transcribed in a note, may here be inserted, in confirmation of the remark made at the close of the preceding sentence.— "I ordained, if the *subjects* (probably ryots) were satisfied with the old and established *taxes* (*jumma khedim*, which is corrected by the author of the *Dissertation*, *ancient rent or revenue*) that those taxes should be confirmed to the wishes of the subjects. And that all ruined lands, which lay uncultivated (if there were no *owners* to those lands) *should be annexed to the crown*; and if there were *owners*, and those *owners* were reduced to distress, I ordained that the necessary supplies should be granted to them, *that they might cultivate their lands anew*." From this last passage what is to be inferred? The *owner* of the land is mentioned; it is said of him, that if he was reduced to distress, supplies should be granted

to

to him, *that he might cultivate his lands anew*. What conclusion are we to draw from this circumstance? Was the *owner* a *ryot*, or was he a *zemindar*? The reader may determine. Again, it is said, " if there were no *owners* to the lands which lay uncultivated, they *should be annexed to the crown*. What does this indicate? Does it controvert, or confirm, the *proprietary claims* of the sovereign? The remaining passage from the institutes, taken notice of in the *Dissertation*, is quoted in the following words: " And I commanded that the property of the deceased should be restored (more properly, given) to the lawful heir." Here the quotation ends, suppressing the explanatory clause, viz. " And if there should be no heir, that it should be expended in pious uses, or *sent to the holy city*."

The cause and preservation of absolute monarchical power in Asia, appears to me to have resulted from the non-existence of *great land-proprietors*; for which reason the constitutional distribution of the lands must have been in small portions or allotments to the actual labourers of the soil. [h] In Hindostan, these occupiers of the land were denominated *ryots*, and held their possessions by a grant which was called a *potiah*, conferring upon them a right (on condition of

[h] These portions, upon the authority of the *Ayeen Akbery*, were from thirty to ninety begahs of arable ground, corresponding to about ten, and thirty, English acres.

paying

paying the stipulated, and regulated rent to government) that was *hereditary* and *transferable*, and therefore to all intents and purposes, *property*.[1] The accumulation of many of these possessions into one grant, was a general deviation from the general practice, which was, however, in some instances permitted, by the special assent of government. Such an acquisition might be attained through an application to the *Dewan*, or to the Emperor himself; but such a grant under the Mogul administration, seems to have been beyond the limit of the zemindar's jurisdiction, whatever abuses may have been since established. The person who had acquired it in a constitutional manner, appears to have been placed in a situation independent

[1] The following is the mention made of the tenures of the *ryots*, in Mr. VERELST'S *View of the Government of Bengal*, which, with the original papers in the Appendix, give a true picture of the existing customs of the country, unsophisticated with *feudal* and other European ideas:— "Those (lands) called *ryotty*, are possessed by tenants resident on the spot, who, by their grants, ought to be continued as long as they paid their rents. But as larger rents have been frequently exacted, an increase beyond what a tenant can afford, together with other oppressive demands from his superior landlord, or the officers of government, not unfrequently compels him to fly from the estate on which, perhaps, his family have subsisted for many generations." P. 69. See Extracts from the instructions to supravisors, in Appendix, No. IV.

of

of the zemindar's authority, holding his possessory grant immediately under the *Dewan*, and being accountable himself directly to government for the whole rent of his *talookdary*, under which designation this tenure of land was distinguished.[k] In the *Dissertation*, the appointments of *talookdars* and *zemindars* seem to be confounded, as altogether the same, with only a difference in extent and subordination. But there are circumstances which discriminate these appointments, as constitutionally and specifically distinct from one another. The tenure of the *talookdar*, like the *pottah* tenure of the *ryot*, was *possessory* and *hereditary*, descending to heirs without *renovation*, which was only required in case of a sale or exchange, for which the sanction of the Dewan, if not of the Emperor himself, was requisite. On the other hand, the zemindar's appointment

[k] *Talooks* are mentioned in the able instructions drawn up for the European supravisors appointed to districts and provinces, during Mr. VERELST's government, in the following terms :—" I have before taken notice of the undue means of obtaining *talooks*, which are either bestowed on some favourite, or underling of the government, or purchased by one individual of another ; but as the title cannot stand clear or valid, without a confirmation of it from the nabob, in both cases, where such cannot be made appear, the title becomes void, and the talook reverts to the government." Append. No. 134, p. 233. The nabob is here referred to as the head of the government, the subahdar having become an independent prince.—See Appendix, No. IV.

was

was *officiary*, and even when it descended, or rather was conferred upon heirs, a renewal of the *sunnud* was indispensable. As a compensation for the duties of office, the zemindar enjoyed *nankar*, which was an allowance in land, or he had an allowance in money from government, for his trouble and responsibility, which the *talookdar* had no claim to. In short, the one was a *possession*, the other was an *office*; in the one case, the hereditary right was absolute, in the other, the authority of government was necessary to renew it, or rather, to *confer* it, although the family claim was generally attended to; and lastly, the one received the recompense of office, to which the other had no pretensions.[1]

Much

[1] This account of a talookdarry appointment seems to me to result from the answer which is given in the Appendix to the *Inquiry*, to the question—" What are the real jurisdictions, rights, and privileges of a talookdar ?" Where, although the distinctive differences between it and the zemindarry appointment be implied, they seem in some degree to have eluded the detection of the intelligent writer. I shall transcribe the whole, and mark the passages which seem to me to establish the possessory nature of the talookdarry appointment. *Nankar* sufficiently marks the officiary nature of the zemindarry.

" This description of land-holders differs only from the zemindars, perhaps in the form of written tenure, the comparatively inconsiderable extent of territorial jurisdiction, and *non-specification of nankar rights*, compensated, however, by two extraordinary privileges. In Bengal, the proper ac-

 knowledged

Much stress is laid by the author of the *Dissertation*, upon a petition from the representatives of

knowledged class of talookdars, unnecessarily distinguished by the term *huzoory*, *as paying their rents immediately into the khalsa shereefa*, though very numerous, are confined to the Chucklehs of Moorshedabad and Houghly, and collectively asssessed on the original rent-roll for no more than about 95,000 rupees. I have not been able to ascertain precisely, whether any of them hold their lands by dewanny sunnud, or only by pottah and a copy of the crown rental; but they were all rich, or favoured individuals, in the neighbourhood of the principal mussulman capitals, who having obtained small territorial grants, the value of which being completely ascertained, were then to be rated at a fixed annual assessment, subject to no future increase; and, as they had probably made some pecuniary compensation, by way of purchase of possession, so with the privilege of being *exempted from zemindarry jurisdiction*, they had also enjoyed the peculiar one of transferring by sale their right of property, *though only with the permission of the dewanny representative* on the spot. There is, indeed, another description of talookdars, of late brought forward, on the khalsa records, under the denomination of *muscoory*, paying the public dues in like manner as those already described, *but to the zemindar (who might unauthorizedly have presumed to constitute the tenure) instead of to government*. These, however, do not appear to have been recognized *before the Company's administration*, or considered in any other light than as ryots, holding in the usual form of a pottah, or indefinite lease, a perpetual right of occupancy, while complying with the annual demands of the sovereign" P. 62.—From the facts stated in this account, it is evident that the talookdarry appointment was much more allied to the *pottah*, or possessory tenure of the ryot,

of the East India Company to the Emperor FURRUCK SERE, in the year 1715, for a grant of *talookdarry* of thirty-eight villages "which lay contiguous to their factory in Bengal, subject to a fixed revenue of rupees 8181, or about 1000l. per annum. The imperial court at length became favourable to the representations of the deputies. But what course did it take? &c. He (the Emperor) conferred upon them the talookdarry of the thirty-eight villages, with an express reservation in his firmaun, or charter, dated in 1717, of the rights of the proprietors, from whom the Company was positively required to *purchase them*, before the investiture should be admitted by the provincial government."* Such is the statement of the *Dissertation* on this subject, and the words of the firmaun are quoted in a note. "Let them make the purchase from the owners, (and) let the *dewans* of the province release (it)." The explanation which has been given

ryot, than to the *officiary* tenure of the zemindar; of which circumstance the writer does not seem to be aware, when he states the *right of transference by sale*, as a peculiar privilege. The talookdar would possess this privilege in common with the ryot. The officer of government with whom the ryot negotiated this transaction, was the zemindar; the interference or authority of a higher officer might be requisite in the disposal of a talookdarry, but this makes no difference in the nature of the transaction.

* Dissert. p. 97.

of

of a talookdarry tenure, renders any comment upon this passage unnecessary.

A similar mistake occurs in the *Dissertation*, respecting JAFFER KHAN, who was subahdar of Bengal during the vigorous administration of AURUNGZEBE, when the authority of the Emperor was completely recognized throughout the empire; and who (of course with the imperial sanction) dismissed from their employment all the *zemindars* of the province of Bengal, and collected the revenues of the country through the agency of his own officers.[m] "And (says the *Dissertation*) as if it were decreed, that his private acts should be made to falsify his public principle, &c. he himself bore testimony to the *hereditary right of the zemindars*, by purchasing *from one of them*, the very ground upon which he founded his new capital of Bengal, &c." A reference is then made to a particular *history*, for an account of this transaction, the quotation beginning with this remarkable affirmation, respecting the inordinate power of the Mogul emperors:—"It is the custom of the empire, that on the death of an *ameer* (a lord of the empire), or *munsebdar (dignitary, commander)* [n], who is the imme-

[m] Such a fact as this, which cannot be challenged, ought certainly, I think, to establish the officiary nature of the *zemindarry appointment*, past all question or doubt!

[n] These explanations are taken from the glossary annexed to the *Dissertation*.

immediate servant of the crown, all his wealth is confiscated, and becomes the property of the government, &c." I have seen a list of Persian books which were in the possession of the author of the *Inquiry*, giving a short characteristic account of each of them; and among the number, was this very history which is quoted in the *Dissertation*, the account of which supplies me with a very satisfactory comment upon the whole of this passage. The history is called, "*A modern unchronological Account of Bengal*, written by the Persian instructor of Mr. VANSITTART, and referred to by Mr. now Sir CHARLES BOUGHTON ROUSE, in his Dissertation concerning the landed property of Bengal, as an historical proof of the proprietary rights of a *zemindar*, though mistaken in that instance for those of a *talookdar*, possessing under the copy rent-roll, and who undoubtedly, with the whole body of the ryots or peasantry holding by the usual *pottah* tenure, were vested in conditional proprietary rights in perpetuity."

In the Appendix to the *Dissertation*, there is given the translation of a *firmaun* issued by the Emperor AURUNGZEBE, in the year 1668, concerning the collection of what is called the *tribute*; in reality, the *land-rent*; which the author very justly supposes to be conclusive, in establishing the existence of *heritable* and *transferable* landed property in Hindostan. But in whom that property existed, must be determined by the reader,

from

from the extracts which shall here be given, as well as from an entire copy of the firmaun, transcribed in the Appendix, No. II. if he choose to refer to it. The firmaun is addressed to MAMOMED HASHEM, who, we are told in a note (upon the authority of Sir JOHN SHORE), was dewan of the province of Guzerat; but the writing itself expressly declares its purpose to be general throughout the empire. The declaration is made in the following manner: "Wherefore, on the present fortunate occasion, we have caused to be issued this sublime mandate, the emblem of justice, in order that the *mutteseddies* and *aumils*, now in office, as well as those who may hereafter be employed in the affairs of the protected *dominions of Hindostan*, *from one extremity to the other*, be informed in all points concerning the *tribute*, as to the quantity and mode, &c. To this edict are subjoined the distinctions which are approved, as being ascertained from good and authentic traditions, and according to which they are to make the *collections*. They shall not require an *annual renovation of this edict*," &c.— From these words it seems to be clear, that this edict was not intended to be confined, either in respect to place or time; but that it was meant to apply generally to the whole empire, and to have no limited duration. [°]

It

[°] Possibly transcripts of this firmaun might be addressed separately to the dewans of every province; and that the par-

It becomes an important point, in this inquiry, to determine who were the particular officers intended to be instructed by the edict, under the designations of the *mutteseddies* and *aumils*. In a glossary which accompanies the *Dissertation*, I find the word *mutteseddies* explained *writers, accountants, officers of government*; and the word *aumil, native collector, or manager of a district, on the part of government*. This definition seems applicable to a *zemindar*. But not being entirely satisfied upon this head, I applied to a gentleman, whose knowledge of the Persian language, and whose avocations in India, I understood, would give authority to his judgment, stating my questions in writing, without assigning any particular cause for the inquiry. To my question respecting an *aumil*, his answer was, 'An *aumil* is an *agent*.' To my position, "A *choudry*, or a *zemindar*, collects immediately from the ryots?—Answer, 'Doubtless.'—" How are these persons relatively situated?"—Answer, 'The zemindarry officers are termed his *amila*: they act on his behalf, and under his authority. The *zemindars* themselves may be considered as the *amila* of government. It was a general term, *comprehending all those employed in the collection of the revenues*, though now

particular copy from which this translation was made, was the one addressed to the dewan of Guzerat; which reconciles Sir JOHN SHORE's remark to the general tendency of the edict.

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confined to subordinate agents.'—This reply was as satisfactory as it appears to be candid and ingenuous. The reader will observe, that at the time when AURUNGZEBE issued this edict, a hundred and thirty-two years since, the general term *amila*, or *aumils*, "comprehending all those employed in the collection of the revenues," must have included *zemindars*; but at any rate, even as the word is now understood, it must be applied to the *agents of zemindars*; in which case, it is impossible that the cultivators, who are mentioned in the firmaun as the *proprietors* of the land, could be the zemindars; because the *zemindars*, or their agents (under the designation of *aumils)*, are the persons here instructed how to conduct themselves towards these very *proprietors*. Would the Emperor enjoin them how to behave towards *themselves?*—or would he instruct the agents of the zemindars *to admonish the zemindars* to cultivate their land?—The firmaun says: "The proprietor being present, and capable of cultivating it, let them" (the *aumils*) "admonish him" (the *zemindar!)*—This cannot be.—I shall make some quotations, with very few comments, and leave the reader to determine respecting these proprietors of the land—whether they are to be regarded as *ryots*, or as *zemindars*.

The first article I transcribe, merely to shew that the word *ryot* is here employed exactly as the author of the *Inquiry* employs it. "First, they" (the

(the *aumils)* " must shew the *ryots* every kind of favour and indulgence, inquire into their circumstances, and endeavour, by wholesome regulations, and wise administration, to engage them, with hearty good will, to labour towards the increase of agriculture; so that no lands may be neglected, that are capable of cultivation."—From the second I make an extract: " But if, upon examination, it should be found that some" (husbandmen), " who have the ability, and are assisted with water, nevertheless have neglected to cultivate their lands, they" (the *aumils)* " shall admonish and threaten, and use force and stripes. In *kheraj-mowezzeff*" (rent paid in money), " they" (the *aumils)* " shall acquire information of the conduct of the *proprietors of land*, from whom this tribute is to be collected, whether they cultivate or not; and if they" (the *aumils)* " learn that the *husbandmen* are unable to provide the implements of husbandry, they shall advance them money from government, in the way of *tekawy*, and take security."—In the same sentence, *proprietors of land*, and *husbandmen*, are here mentioned: do they mean the same persons?—This seems to be answered in the affirmative, by the succeeding article: " Third, In *kheraj-mowezzeff*, if the *proprietor of the land, for want of means of providing the implements of husbandry*, has been unable to cultivate it, or has deserted, leaving the land uncultivated; they" (the *aumils)* " shall either give the land

land in farm, or allow another to cultivate it" (on account of the *proprietor:)* " or they shall appoint a person to succeed the proprietor, who shall cultivate the land; and, after paying the tribute, whatever remains, he" (the substituted farmer) " shall apply to his own use. When the *proprietors of the lands* shall again have the ability to cultivate them, they shall be restored to them. If a person deserts, leaving his land uncultivated, they" (the aumils) " shall not give it in farm during the remainder of that year; but after the expiration of that year, they shall give it in farm." [p]—This article seems to establish, that the *proprietor of the land*, and the *husbandman*, is the same person, and that it is impossible for the *zemindar*, who is the *aumil*, or whose agent is the *aumil*, to be this *proprietor*. In the fourth article, the following passage occurs: " If there are but small hopes from the remainder" (of the land),

[p] Land let thus in farm, or by contract, and not regularly possessed by the ryot, or owner, under *pottah* tenure, was called *comar* land; which is thus mentioned in the instructions to supravisors, A. D. 1769: " *Comar* lands, having no native tenants, are cultivated by contract."—And again, " As the unequal diffusion of inhabitants has been the cause of this scarcity of cultivation in different parts, every expedient should be used to encourage people to settle on the *comar* and waste lands, that they may be converted into *riotty*." VERELST's View, App. p. 234.—Hence it appears, I think, that the *riotty* was the constitutional form of occupying the lands in Hindostan.

" of

" of bringing it back into cultivation, or if it has been all along uncultivated; in both cases, if that land is *proprietary*, the proprietor being present, and capable of cultivating it, let them" (the *aumils)* " admonish him" (the *proprietor)* " to cultivate it: but if that land is not proprietary, or the proprietor is not known, let them" (the *aumils)* " give it to a person who is capable of cultivating it."—This passage seems to me, besides confirming the remark that was made on the last article, respecting the *proprietor* being the *cultivator*, to shew, by the directions given, in regard to the unoccupied land, that the sovereign was the *proprietary lord*. Indeed, does not the whole style of the firmaun, dictated by the sovereign, indicate the same thing?—The fifth article establishes this circumstance still more pointedly, by the directions which are given respecting lands of this description; shewing clearly by what authority the zemindar acts, when he bestows grants of land to *ryots*: " If the proprietor of a piece of uncultivated ground be known, let them" (the *aumils)* " leave it to him, and not suffer any other to possess it. If the proprietor thereof is not known, and the soil is not promising, they" (the *aumils)* " shall, according to the best of their judgment, give it to any one they shall think capable of managing it; and if such an one do properly cultivate it, they shall consider him the *proprietor*."

It

It appears unnecessary to make any further extracts from this firmaun, in order to establish in whom the possessory property of the lands was vested, and by whose authority they were disposed of; especially as the whole of it may be examined in the Appendix, No. II. The author of the *Dissertation* observes upon this subject, that the firmaun "not only proves, from beginning to end, that he" (the Emperor) "held proprietary land" (zemîn memluk) "to be sacred, but that he would even assist the *proprietor*" (mâlik) "in the preservation of it: and, so far from wishing to annul the property of land, if any tract should be absolutely deserted, and its *proprietor* could not be found out, it was to be given to a new occupant; and he was to become the lawful proprietor."—I think it seems also further to prove, that the *zemindar* could not be *that proprietor*, but, in general, the cultivator, *husbandman*, or *ryot*: and that the Emperor, who, by these regulations, authorized this distribution of possessory property, and who likewise drew all the rent of all the lands so distributed, must have been the *proprietary lord* of the soil.

It seems, therefore, to be clearly established, that the *zemindars* could not possibly be the *proprietors* of the lands, the rents of which they were required, as the *aumils* of government, to collect from the *proprietors*. But there was another description of land within the districts of the zemindars,

dars, of which they were the undoubted proprietors; which was distinguished by the name of *nankar* land, and which paid no rent at all to government.[q] The zemindar had it in absolute property, in lieu, or in part of salary of office; for which reason it might be styled with propriety his official land.[r] It was distinguished from the *khalsah*, or *exchequer* lands, whose rents

[q] This appropriation of land is mentioned in the instructions to the supravisors, in Mr. VERELST's government, in the following manner: "The meaning and intent of his" (the zemindar's) "being indulged with such exclusive possessions, was to supply his family with the necessaries and conveniencies of life. Under the name of *nejaut* and *nankar*, one spot was to yield him rice; another was allotted to him as pasture; a particular tank was to afford him fish and water; and, in like manner, distinct spots were given up to him, for every distinct article of consumption."—VERELST's View, App. p. 232.—See also App. to this work, No. IV.

[r] It appears to me, that under the Anglo-Saxon government, when earldoms in England were temporary vice-royalties, there were official lands annexed to this authoritive and dignified appointment; which passed with the office to the next incumbent, who was chosen by the freeholders, and confirmed by the king. These might have been styled, in Hindostan language, the *nankar lands* of the earl. But when, in consequence of the Norman Conquest, earldoms, by becoming *fiefs*, were made hereditary, these lands came to be blended with the family property; and their officiary nature was soon forgotten and obliterated. Such will be the fate of the *nankar lands* of the zemindar, which have, by a very different process, been converted into *khalsah lands*; and they, by a contradiction in terms, are now declared to be *private property*.

were

were paid into the royal treasury; and also from the *jagheer* lands, the rents of which were assigned by the sovereign to an individual, during pleasure, in the manner of *fiefs* anciently in France, either *really* or *fictitiously*, for the support of troops, to be subsisted, or to be produced at the call of government. It is somewhat extraordinary that this description of land, which really was *property*, and belonged absolutely and entirely to the *zemindar*, should have altogether escaped the notice of the author of the *Dissertation*. Was it because of the difficulty to explain, where the *whole district* was said to belong to the *zemindar*, how a part of it should be so differently circumstanced from the rest?[s] With respect to the extent of these lands, it would appear that they could not exceed the proportion of a tenth part of the district; because the limit of the allowance to a *zemindar*, as his official income, was ten per cent. upon his collection, or a tenth part of the revenue he collected. When *nankar* land, therefore, was equivalent to this al-

[s] In the glossary annexed to the *Dissertation*, the explanation given to the word *comar lands*, which are *khalsah* lands (or lands whose rent is paid to government) out of lease, or not possessed by pottah tenure, seems rather applicable to *nankar lands*: they are called *a zemindar's demesne lands*; upon what pretence, I cannot conceive.—The *nankar lands* might be so denominated, because they are the zemindar's absolute property, which the others are not; for he must account for the rent of the comar lands to government.

lowance,

lowance, he would not be entitled to any part or proportion of the rent he collected; and on the contrary, whatever he was short of that amount, he might have a right to make up by deduction from the rent for which he was accountable. In some zemindarries there was more nankar land, in some there was less, and in some there was none. The gentlemen who have lately carried into practical effect the new theory of zemindars being the proprietors of their districts, have removed this bar to the congruity of their system, by obliterating *nankar lands* entirely from the zemindarry districts. They would, however, have realized their own theory more completely, if they had made the whole of it *nankar lands*; an amendment which the improving zemindars may possibly accomplish.

The office or appointment of a *zemindar* is of a complex nature, having a two-fold duty to perform, which has a reference to government on the one hand, and to the ryots, or proprietary tenants on the other; and these distinct assignments of duty are expressly enjoined in the sunnud, or charter of appointment. The duty of the zemindar, in respect to government, is to collect and realize the rent of the lands, at the rate annually agreed upon, and to make good the other revenues of his district to the state. So that the zemindar is, in fact, the collector of the *customs* and *excise*, as well as of the *land-rent*; but the latter being comparatively

paratively of so much more consideration in Asia, than all the other collections, the attention is engrossed by it; and its immediate connection with the lands, converts this *general revenue collector*, in the prejudiced imagination of Europeans, into a *great land proprietor*. Before paying these revenues into the royal treasury, he is instructed in his *sunnud*, to take credit to himself for the customary allowances, amounting (where there are no nankar, or official lands) to about ten per cent. upon the revenues collected; and where there are nankar lands, the productive value of these lands is deducted from this allowance; so that, if the nankar lands were equivalent to this allowance, the zemindar would not, or ought not, to touch a fraction of the rents drawn from the *khalsah* or *exchequer* lands; which are, notwithstanding, *now* alledged to be his *property*. [t] The duty of the zemindar,

[t] In a speech of Mr. PETER MOORE's to the Court of Proprietors, I find this mode of explaining the situation of the zemindar adopted: His statement is—"Burdwan, as before stated, contains 3,000,000 of acres; 300,000 of these and their produce are appropriated to the zemindar, for the trouble of the collection and management, and 300,000 more, for an establishment of officers called *amla*, as before described, in lieu of salaries, for the performance of certain duties, and for great and tremendous responsibility, and on the condition that the possessor faithfully accounts to the Bengal fiscal, called khalsah, for the full and exact rents of the other 2,400,000 acres, the imperial rights. Such, Sir, is a zemindarry

zemindar, in respect to the ryots, is, to protect them from injustice of every kind, and to punish those among them who may be refractory or criminal: above all, to stimulate their industry, and encourage their exertions in the cultivation of their lands. He is the channel through which the authority of government is exercised towards them; in which respect he represents the government; and being (originally) of their own nation and religion, he is their representative upon all occasions where their interest is concerned; whether to solicit the government, either for redress or favour, or to see justice done to them in respect to every other person. So that the zemindar is the ostensible person who, upon all occasions, appears in behalf of the aggregate body of the ryots or husbandmen of his district.—Hence, when, officially, he executes any transfer of property, in behalf of the ryots, by renewing or altering their pottah leases, or by conferring them in respect to waste or *comar* lands, which he does as the agent or representative of government towards them, [u] he is supposed to be acting in his own immediate

darry tenure. But as to the soil, the *ryot* and the *sovereign* were the only real *proprietors!*"—In the above statement, the reader will observe, a *tenth* part of the property, which is of course fully equivalent to the zemindar's allowances, is set aside as *nankar:* the other *tenth* is allotted for defraying the other charges of collection.

[u] The reader will find his authority for this, stated in the extracts from AURUNGZEBE's firmaun; see page 155.

behalf,

behalf, as the independent lord of the soil: whereas, in India, and in every part of Asia, the apportionment of the land from government immediately to the cultivators of the ground, for the purpose of raising rent or revenue, precludes the possibility of any such establishments.

The office of zemindar being most commonly conferred upon the heir, or nearest relative of the person who last enjoyed it, which, although not an invariable rule, must be allowed to be a very general practice; appears to me to have proceeded from the appointment having originally existed in this form among the Hindoos. When the Mahomedan conquerors first appropriated the lands of Hindostan, by substituting themselves in the place of the native rajahs, they seem to have drawn the land-rents by the same means, and through the same channels that the preceding government employed; that is to say, the ryots continued to be the hereditary possessors and cultivators of the land, and the native Hindoo collectors (by whatever name they were known) made good the rents to the government. In fact, the rents could not have been collected immediately from the ryots in any other manner: and, at every period of the history of those conquerors, we find this system to have been invariably pursued. [v] During those times, and still more, during

[v] So much was it the case, that in a firmaun issued by Aurungzebe, in the eighth year of his reign, a translation of

during the times of their native rajahs, these appointments were local and permanent, and I conclude, also *hereditary*; at least they must have been so in the same degree that they have since been continued under the Mogul government. My reasons for drawing this conclusion are; in the first place, I think that *example* alone could have induced the Mahomedans to follow this plan, their own habits being so much against it; especially as the practice was confined to *Hindoos* (to whom zemindarry appointments were chiefly appropriated); I therefore conclude, that this must have been a *Hindoo practice*. [w] In the second place, we

of which the reader will find in the Appendix, No. III. he directs his *dewan* (article 11th), "By means of *Persian translations* of the *Hindoo accounts*, to make himself perfectly acquainted with the particulars of the original revenue and the taxes (*assul* and *abuab*); the amount paid to government, the extra charges, and the fees, specifying what is received from each individual: in short, whatever sums are taken on any account from the *ryots*, and what part of it is paid into the *fottah khanna* (the treasury); to draw out an account of the remainder, which has been embezzled by the *ameens*, *aumils*, *zemindars*, and others, with the amount against the names of each person, and, as far as possible, to get together the rough accounts of all the villages of the pergunnah, and *translate* them."—Which shews that the whole of this business respecting the *ryots*, and the first stage of the revenue department, was translated, even at so late a period, by *Hindoo* agency, and in the *Hindoo language*.

[w] An instance occurred, within my own knowledge, of the accuracy with which a Mahomedan prince imitated the customs

we know, that among the Hindoos every thing was *hereditary*; in particular, *professions* were so; and *offices* appear to me to be a species of profession; among the Mahomedans, on the contrary, nothing was *hereditary*; in particular, *professions* were not *hereditary*, and *offices* never were *hereditary*. In the third place, we have authentic information, that among the Marrattas, who are the only Hindoo people now in Hindostan, whose government is completely and entirely independent of every other government, *offices* actually are *hereditary* at present, and that this rule of succession is rigidly adhered to; which seems, when considered along with the other circumstances mentioned, to establish that the practice must have been general among the Hindoo people, when their government was completely independent; at least, this circumstance appears to me highly probable. Lastly, taking the fact for granted, that under the Mogul government, the

customs of the people, whose institutions he was adopting: When SHUJAH-UL-DOWLAH, nominal vizier, and independent subahdar of Owde, was copying the discipline from an English battalion of sepoys that were stationed at his court, he prohibited his own sepoys from exercising upon the *Christian Sunday*, merely because it was the practice of the English battalion he was imitating. The hereditary rule of succession to the office of a zemindar, has not only *custom*, but reason to support it; but there are still more powerful reasons for not making the practice absolute.

zemindar

zemindar appointment has, at least, nineteen times out of twenty, been conferred upon the relatives of the preceding zemindar; which practice must have proceeded either from *Mussulman* or *Hindoo* prepossessions; attending also to the circumstance, that the appointment was chiefly appropriated to *Hindoos;* I conclude, that the prejudices, the customs, and the prepossessions of this people, which favoured this practice, induced the Mahomedans (who had no such prejudices, customs, or prepossessions) to follow it, in respect to them; as far as was consistent with the interests of their own government. What has been said respecting the practice generally (though not absolutely) observed by the Mahomedan government, in paying attention to hereditary succession, in the disposal of the zemindarry appointment, seems to apply completely to the *canongoe* appointments, which are exclusively appropriated to *Hindoos*, and continued absolutely and invariably by the *hereditary rule of succession*, even under the Mogul government; that is to say, this rule was adopted in the financial establishment that was formed by Rajah Tudor Mull (a *Hindoo*) and sanctioned by the Emperor Akber. Every thing that was said respecting the zemindarry appointment, will still more closely apply to these appointments. The only circumstance in doubt may be, whether they actually did exist under the original Hindoo government. Whether the appoint-

appointments of control respecting the financial department, went under this denomination, may admit of doubt; but I think there cannot exist a doubt, that appointments of similar effect regulated the collection of the land-rents among the Hindoos, and that they must have been *hereditary*. At least, to me it appears obvious, that the inducement for making such appointments *hereditary*, under the Mogul administration, suggested by a *Hindoo*, and appropriated to appointments held by *Hindoos*, must have had a reference to the customs of this people.

Such appears to me to have been the cause which induced the general practice of conferring the office of zemindar (and, invariably, that of canongoe) upon *Hindoos*, by the *Hindoo* rule of *hereditary succession*. But, with respect to the zemindarry appointment in particular, it must be observed, that the Mogul government made an adherence to this rule, perfectly optional in itself, and frequently deviated from it. [x] Such deviations

[x] The office of *zemindar*, conferred upon the East India Company, is a very striking example. All the *Mussulman zemindars* must also be examples. The removal of the whole of the zemindars in Bengal from their offices, by JAFFER KHAN the subahdar, under the government of AURUNGZEBE, when all the powers of the empire were in their vigour, and when, of course, the sanction of government attended the measure, is at once the most ample confirmation. That this removal was conformable to the rules laid down by that Emperor,

tions ought completely to refute the supposition of the office being a succession to a landed property;

peror, appears from another firmaun which he issued, preserved in the *Remuzat Aleemgeri*, which is considered as authentic; of which the tenth article says: "With respect to the *batta*, and the prevention of expences, exclusive of the revenue and the prohibited taxes, which are a grievance to the *ryots*, having given the strictest injunctions to the *ameens*, *aumils*, *chowdries*" (the same as *zemindars*), "and *canongoes*, take *machulkas*" (bonds, or obligations) "from them, that they shall never levy an increased batta, or any taxes prohibited or remitted by our court, from which mankind find protection; and make it the object of your constant attention, should any one of them be guilty of any such practice, and should not be restrained by punishment and coercive measures, write an account thereof to our presence, that he may be *dismissed from his office, and another appointed in his room*."—The reader will observe, that this applies to all the officers who are named, and that the choudry is here specified as an *officer of government*, not as a *land proprietor*. The firmaun was addressed to a *dewan*. When the *subahdar* acted, it would be as the representative of majesty; and, under AURUNGZEBE, doubtless with his authority and approbation. The succeeding article, which refers to the same mal-practices, makes this matter still more clear, in which the word *zemindar* occurs: "In short, whatever sums are taken, on any account, from the ryots, and what part of it is paid into the *fottah khanna*" (treasury), "draw out an account of the remainder which has been embezzled by the *ameens*, *aumils*, *zemindars*, and others, with the amount against the names of each person, and, as far as possible, get together the rough accounts of all the villages of the *pergunnah*, and translate them, &c. It is necessary that the *dewan*, after the general accounts are prepared,

perty; an idea which never could have entered the mind either of a *Mahomedan* or a *Hindoo*; because, among the former, *landed estates* were not hereditary; [y] and among the latter, landed property, by descent, was divided equally among equal kindred. Among Europeans, indeed, and particularly among Englishmen, the unnatural law of *primogeniture*, in respect to landed property, is rigidly established and observed; and upon this most unjust local ordinance, in direct opposition to the rational law of succession among the Hindoos, the monstrous conception, of a *zemindarry district* being a great *landed estate*, and, of course, a *zemindar* a *great land proprietor*, is generated. What foundation there was for such an idea, will best appear by a reference to the Hindoo law of succession; of which the reader may form some judgment from the following extracts. By the Ordinances of Menu, the eldest son is entitled to greater respect than the others, and to some particular marks of attention.—Ch. ix. art. 104:

attentively weigh and consider them; and if they are drawn out conformable to usage, let him keep them, and call upon the *choudries*, *canongoes*, *aumils*, *muckudums*, and *putwaries*, for whatever sums they may have appropriated to themselves, exceeding their customary allowances."—In this article, the words *zemindar*, and *choudry*, are indiscriminately used for the same persons, who are uniformly enumerated among the *officers of government*.

[y] "No one seizes on a landed estate, as an inheritance." —Ferishta.

"After

"After the death of the father and the mother, the brothers, being assembled, may divide among themselves the patrimonial and matrimonial estate."—Art. 105: "The eldest brother may take entire possession of the patrimony; and the others may live under him, as they lived under their father, *unless they choose to be separated.*"—In article 106, it is said: "The eldest son ought, before partition, to manage the whole patrimony."—In case of extraordinary acquirements, and distinguished excellence in the eldest son, particular marks of distinction are enjoined; the performance of which, however, seems to depend upon the inclination of his brothers. By the 115th article, equality of division seems to be the general rule: the words are: "But among brothers, equally skilled in performing the several duties, there is no deduction of the best in ten, or the most excellent chattel, though some trifle, as a mark of greater veneration, should be given to the first-born."—The *Code of Gentoo Laws*, published by Mr. HALHED, which have a wonderful agreement with the *Ordinances of* MENU, considering a difference in their dates, of about three thousand years, and which, therefore, may be regarded as the modern explication and interpretation of those laws, are clear and explicit on this subject. The following quotations are from the second chapter, entitled, *Of the Division of Heritable Property*, section 1st: "If a man dies, or renounces the world,

&c.

&c. all his possessions, be they *land*, or money, or effects, or cattle, or birds, go to his son. If there be several sons, *they all shall receive equal shares*. If the son be dead, it goes to the grandson: if there be but one grandson, he shall obtain the whole; if there be several grandsons, they shall divide it, and *and all shall receive equal shares*."—Again, "If there be no brother, property goes to the son of the brother by blood."—"If there are several sons, *they all shall have equal shares*."—In this code the rule seems to be, without an exception, that equal kindred share equally of land, money, or effects. In the same code and chapter, section xi. it is said: "If a father divides among his sons the glebe, orchards, houses, rents, slave-girls, and slaves of his father and ancestors, &c. he hath no authority to give to some *more*, to others *less*."—It therefore appears, that if the *zemindarry* had been a *landed estate*, continuing by hereditary descent in the same family, it would not, by the Hindoo law (which alone could be applicable), have descended to *one son*, where there were *many*, nor to *one relative*, where there were others of *equal kindred*; but it would have been equally divided among all the equal relatives of the last occupant; which, not having been the case, demonstrates, I think, that it could not be esteemed *landed property*. [z] So that the cir-

[z] In the *Dissertation* it is said: "For if the zemindarry be even an office, and such office give possession of land, which

circumstance, upon which the European idea of landed property is founded, actually infers an opposite conclusion; and establishes with certainty, that the zemindarry appointment must have been an *office*; which, not admitting of division, could only be continued (when given to persons of the same family) in the manner that has been followed. But even if the application of the *law of England*, in direct opposition to the *Hindoo law*, could be admitted, it would only apply to the *nankar land* of the zemindar, which was officially his actual property, as it paid no rent; but it could not be applied to the *khalsah*, or *exchequer* lands, the rents of which wholly belonged to government; and the overplus, whatever it might be, was expressly declared to be the property of the cultivator, or ryot. [a]

So

which has, by claim or custom, descended from father to son, or to collaterals, with other circumstances incident to property, such as mortgage, alienation, bequest, and adoption, it is in reality *landed inheritance*." P. 31.—The *mortgage*, *alienation*, *bequest*, and *adoption*, I suspect, will be found to have taken place only under English administration. From what law is this inference drawn?—Not from the law of Hindostan, which divides landed property equally; but from the law of England!

[a] The Hindoo rent paid to the prince, which was only a sixth part of the gross produce, it has been observed, was so easy, that, by the *Ordinations of the Pundits*, it appears to have been a practice among them to lett their possessory property to other cultivators, at the same rate of rent which they

were

So great an authority as Sir WILLIAM JONES pronouncing, however, in a decisive tone, upon the question of zemindarry rights, in favour of their being hereditary property, has biassed the opinion of many, who would regard an opposition to his decision as a species of heresy against the consummation of human knowledge. I admire and reverence his attainments; but as Sir WILLIAM

were themselves bound to pay to government. This appears from the 13th chapter, entitled, *Of Shares in the Cultivation of Land*, from which I transcribe the following passage: "If a person makes over to another, for the purpose of cultivation, land that has been waste for one or two years, and that person having, by careful management, improved the ground, should raise a crop from thence; in that case, of the whole crop raised, one-sixth shall go to the *owner* of the ground, and the remaining five-sixths shall belong to the cultivator." —Out of which, however, the government rent (another sixth of the produce) must have been paid; so that, in fact, the cultivator only received four-sixths, to bear the expence of labour and seed, and yield him a subsistence. This is evident from what follows: "If this person above mentioned, having agreed to take land of the other, for the purpose of cultivation, should afterwards neglect, either to cultivate it himself, or to cause it to be cultivated by others, in that case, whatever crops other lands in the same place, similar to the lands specified, should produce, upon a medium, the cultivator shall give to the owner of the ground the proportion of one-sixth of such medium crop; and the magistrate" (the king) "also shall take from the cultivator *a fine* of the same value." P. 168.—What is here called *a fine*, must mean the rent to government; which, at all events, must have been paid, either by the cultivator, or the owner.

JONES declares the text and commentaries of the *Arabian lawyers* to be the foundation upon which he rests his judgment, if it be found that the regulations for agricultural arrangements, and for collecting the land-rents in Hindostan, depended not upon the Arabian or Mahomedan law, but upon Hindoo customs and establishments, his premises being erroneous, the conclusion which he deduces from them must also prove an error. Nor can it be deemed at all extraordinary, that the customs of the conquered country should regulate the mode of raising the revenues in that country; especially when the conquerors were comparatively so uninformed and ignorant on those subjects, and when the people to whom such laws and customs were to be applied, were not *Mahomedans*, but *Hindoos*.

Another cause for the prevalence of the opinion, that the zemindars are the hereditary proprietors of their districts, I have been told, arises from a report, that, in some of the larger zemindarries, the present zemindars are the actual lineal descendants of the original *Hindoo rajahs*. This argument I have heard triumphantly asserted in India. I am told, however, that upon being traced, in the instances where it was supposed to have existed, it was found to be an error, and is now generally given up. But as it is calculated to be impressive, it may not be improper to inquire into its real merits, upon the supposition that it actu-

ally

ally did exist. There can be no question, that when the ancient rajahs were the independent sovereigns of their countries, they were the proprietary lords of the soil; because this was essential to the existence of their authority and power: they could not be sovereigns without it. But when the state came to be completely subdued, and those rajahs were deprived of their sovereignty, they were, of course, also deprived of the *proprietary rights*, which alone constituted that sovereignty; the possessory property of the ryots continuing the same, unvaried, and unaffected; which accounts completely for the tranquillity attending all such revolutions in Asia. [b] It would appear, however, that in these cases (if any such exist), in compensation for the loss of sovereignty, those rajahs, or their descendants, have been placed in the situation of zemindars of those very districts which they formerly ruled as princes, by the government which supplanted them; a preferable situation to that of many dethroned princes! And the source of such an indulgence must have

[b] A much simpler cause than that assigned by MONTESQUIEU, produced the immediate stability of ALEXANDER's government, upon conquering DARIUS, and occupying his place, as the sovereign of Persia. See Spirit of Laws, b. x. ch. 14, where a comparison is drawn between the effects of the conquests of CHARLES XII. of Sweden, and those of ALEXANDER the GREAT. Some attention to the state of landed property in the different countries, throws great light upon such subjects.

been

been the great superiority of the conquering power, which precluded the idea of equality, or competition, between them. This would form the only situation in which the deposed rajah could have been placed, with comfort to himself, and safety to his employer. He still presided, in a civil capacity, over his own people, under the observation and control of a subahdar, or a Mahomedan chief, who was intrusted with the military power, and was the viceroy, or representative, of the Emperor. In place of drawing the whole rents and revenues of his petty state, he was now limited to the *nankar* lands, or zemindarry allowances. The lesson he had to learn, was humility and subordination; and in this situation, without exciting jealousy, he might render himself useful to the government which employed him. Such was the situation in which the British government found the descendants of those quondam princes, if any such existed within the limits of their acquired dominions, as has been very pathetically, as well as argumentatively, represented. Upon this occasion the reader will recollect, that there are two species of landed property in Hindostan. The one is *absolute*, and can only be enjoyed by the sovereign prince, or those to whom he delegates it; the other is *possessory*, and is constitutionally vested in the cultivators of the soil, for the production of rent, or revenue, to maintain and support the government. Now, the sort of

property

property to which the claims of the zemindars in question, in right of birth, extended, is not the *possessory property*, which is invariably placed in the ryots, and which all Asiatic governments hold sacred, because it is the source of their wealth and power; but the *absolute property*, which the British government at present enjoys; and which includes a right to the land-rents, and other revenues of the state. If the administrators of the British government should have been conscience-struck upon this subject, and anxious to restore to these rajahs the rights which their ancestors enjoyed, they ought to know, that this can only be done by giving up to them the *absolute property* of the lands of their districts, including the *land-rents* and the *revenues*; the possession of which, will make the rajahs what their ancestors are said to have been before, *independent princes*: but any thing short of this is a mockery, when applied to their pretensions! And it would have been much more politic to have investigated such claims, and, if a single instance could have been established (of which, I understand, there was no sort of probability), actually to have made this renunciation in their favour, than to have founded upon it the absurd idea of all the zemindars being the proprietors of their official districts.

In the sunnud, or commission which constitutes a *zemindar*, the appointment is expressly declared to be an *office*; the word *khidmut*, there used, admit-

admitting of no other interpretation, according to all the various translations which have been given of this instrument, except one. [c] And this circumstance, one would think, ought to put the matter out of dispute. But the bias in favour of *European establishments*, and *European laws*, is so strong, that, upon this occasion, it founds an hereditary claim to land, in the person of a *Hindoo*, upon the English law of *primogeniture*, contrary to the established laws of the Hindoos themselves, respecting the heritable succession to land; * and, setting aside the declaration in the sunnud itself, affirms the zemindarry appointment not to be an *office*, but an *hereditary landed estate*. It is perfectly clear that the Emperor, who adopted the form of the present sunnud, was of a different opinion; and it is also clear, that the hereditary claim was of no sort of authority, or avail, without this commission: [d] and, as the present form of

[c] Mr. Grant observes, " that the word *khidmut* had lately been rendered in English by the word *service*," doubtless in the view of converting the *zemindars* into the *feudal vassals* of the crown. But this ground is already pre-occupied by the *jagheerdars*, who are, in reality, the feudal vassals of the crown, but without holding *hereditary fiefs*. This seems a bar to the peaceable zemindar being arrayed in the garb of a *military chief*.

* See page 168, 169, 170.

[d] The necessity for the *sunnud*, or commission, will appear by the following extract from an article in the Appendix to

MAHARAJA SERFOJI'S SARASWATI MAHAL

of the sunnud is supposed to have been adopted by the Emperor AURUNGZEBE, who died in the year 1707, its validity cannot be much impaired by time; which renders inapplicable all the arguments from the obsolete institutions of Europe, which are brought forward in the *Dissertation*. A reference to the sunnud itself, is all that seems to be necessary for the information of an impartial reader upon this subject; the form of which will be found in the Appendix, No. I.

I shall, however, transcribe from the *Dissertation*, a series of conjectures, which are affixed as an

to the *Dissertation*, shewing the great difficulty and expence incurred in obtaining the *sunnud* from the court of the sovereign. This article, we are informed, was drawn out by "BODE MULL, one of the ablest and best-informed of the native exchequer officers."—"The zemindars succeeded to their zemindarries by right of inheritance; but until they consented to the payment of the *peshcush*, or fine of investiture, to the Emperor, and a proportional *nuzzerannah*, or present, to the *nazim*" (provincial governor), "neither the imperial *firmaun* of confirmation was granted them, nor were they permitted to substitute their own signature to the *public accounts*, in lieu of their predecessor. It often happened that several years elapsed, before the demand of government could be adjusted. The officers of the *dewanny*" (the revenue department), "in addition to the *peshcush* and *nuzzerannah*, swelled the account with claims of arrears due from the deceased zemindar, and from which they seldom receded, till they had exacted from his successor all that it was in his power to pay."—Strange! that such difficulties should attend the succession to a *patrimonial estate!*

expla-

explanation of a very obvious part of the sunnud, in the view of reconciling it to the idea of *private hereditary property*; that the reader may form his own judgment of the author's success. "The only article in the zemindar's sunnud, that seems to weaken the idea of proprietary right, is the obligation to deliver, annually, the accounts of all the sources of his collections under his own signature, *attested by that of the canongoe's.*" [c]—"Whether this clause is to be considered as a direct reservation to the Emperor, of the power of local investigation; *whether* it be to enable his officers to keep a constant eye over the cultivation of the country, and progress of commerce, so that the settled revenue might not be endangered; *whether* they are to be taken as general words, implying that increased cultivation must eventually tend, one way or other, to the augmentation of prosperity and revenue; *whether* these expressions have been applicable to other parts of India, where a distinct mode of division in the crops has been established; or, in fine, *whether* the Mogul conquerors, like those of the northern nations of Europe, *may have persuaded their subjects*, as Sir WILLIAM BLACKSTONE expresses it, *to surrender up, and re-take their landed property*, and the *zemindars* may have been contented to take the whole

[c] The declaration on the face of the sunnud itself, that it is *an office*, and, of course, not a *proprietary right*, seems here to be overlooked.

sunnud

sunnud together, with its limitations, either nominal or operative, as a confirmation of their possessions, rather than risk a contest for better terms," &c.—What satisfaction this multiplication of *whethers* may give to the reader, I know not; but to me, it only serves to make the writer's perplexity more apparent. Whereas, if the circumstances be viewed in their natural situation, they appear perfectly simple and obvious. Suffer the zemindarry appointment to be what the sunnud declares that it is, *an office*, and this article will be found the most essential part of the warrant, or commission, by imposing the necessary and customary check upon the official conduct of the *zemindar*; corresponding to similar appointments which exist in every well-regulated government whatever. The zemindars, as collectors of the land-rents, and other public revenues, are controled in the fabrication and statement of their accounts, by the *canongoes*, whose office is similar, in effect, with the controllers of the revenue departments in every state of Europe. [f] The necessity

[f] The *Dissertation* says very little upon the subject of *canongoes*, who formed so essential a part of the Indian system of finance: their appointment, indeed, was altogether incompatible with the alledged *proprietary rights* of the zemindars. In Mr. GRANT's Remarks upon what is called the *bundobusty sunnud*, which, for a particular reason, was substituted in the place of the proper *dewanny sunnud* to the zemindars,

cessity and propriety of a system of control, in respect to the affairs of the East India Company, ought to have been perfectly understood by the author of the *Dissertation*. [g]

The frequency of the zemindarry appointment being conferred according to the rule of hereditary succession, of which enough has been said, together with the word *zemindar* being translated *land-holder*, creates the resemblance between them and the great *land-proprietors* of Europe, and has occasioned the supposition of their *proprietary rights*. The first conclusion, however, appears to be drawn from very erroneous premises, inferring the *zemindarry appointment* to be an *hereditary estate*; because the eldest son (a rule by no means uniformly followed) generally received the appoint-

mindars, by the Bengal government, in the year 1777, I find the following observations made, which mark the peculiar duty of the *canongoe*, in controling the official conduct of the zemindar. He remarks, that in the *bundobusty sunnud* there was "an omission of the clause enjoining the delivery of all the requisite papers, or accounts of the district, *under the zemindar's and canongoe's signatures*; and instead of the latter's counter-signature to the *kist-bundy* settlement, requiring this to be done by the *paishcar*, or proper immediate servant of the *zemindar* himself; whose writings, in every instance, were intended by the *dewanny sunnud* to be checked by the *canongoe*, as his dependent coadjutor in all matters relative to the revenue administration."—*Inquiry*, App. No. V.

[g] Who, at the time that he published the *Dissertation*, was Secretary to the *Board of Control*. His publication has even been considered as an official performance.

 ment,

ment, who is therefore regarded by Englishmen as the *heir* of the *estate*; but if this really were the case among *Hindoos*, it would rather be a proof that the succession could not be a *landed estate*, which the Hindoo law divides equally among all the sons; and that therefore it must be an office. In respect to the appellation *zemindar*, or land-holder, it appears, that by the financial arrangements of TUDOR MULL, under AKBER, when the collectors of the land-rents (corresponding to *zemindars*) had stated collections assigned to them, the appointment took its name from the amount of the sum to be collected; and the officer was called a *crory*, because each collection was to produce a *crore* of *dams*, or two and a half lacks of rupees. But, by the nature of agricultural revenue, such equality could not long continue, which probably brought the name into disuse; and under AURUNGZEBE another rule of division seems to have taken place, which had a reference to *land* more than to *rent*; and the word *zemindar*, *land-holder*, supplanted that of *crory*. Had the office continued to be named from the *collection*, and not from the *land*, the idea of these officers being great *land-proprietors*, probably never would have occurred.

To throw light upon the subject of zemindarry appointments, the author of the *Dissertation* refers to the evidence of Captain GABRIEL HARPER, who had been long stationed at the court of

of FYZABAD; 'of whose honour, veracity, and good sense, he is happy in the opportunity of delivering his sincere testimony;' to all which, from personal knowledge, I can add my most cordial concurrence. The *Dissertation* states, that "he said that the Vizier" (meaning SHUJAH-UL-DOWLAH, father of the present Vizier) "treated the rajahs and zemindars under his dependencies with the greatest marks of civility, respect, and friendship; and being asked whether, during his residence with the Vizier" (a period of six years), "he ever knew a zemindar being dispossessed of his zemindarry, by him?—he said, that he can only recollect one instance, for a debt of 24,000l.: that they considered themselves as secure in their possessions, by paying their accustomed rents. And being asked, if the zemindarries were considered as hereditary in the families of the zemindars?—he said, No: *it depended on the will of the prince*; but that he made a point of continuing it in the family, provided there was no particular objection to the next in succession." [h]—The author, whose system this evidence certainly does not confirm, replies abruptly to this part of it, by a flat denial of the truth of Captain HARPER's assertion—"*In effect, they are hereditary!*"—which

[h] This statement of Colonel HARPER's, which appears to me accurately just, is the footing upon which I have supposed the zemindarry appointment to stand under the Mussulman administration.

does

does not seem altogether consistent with that *honour*, or that *veracity*, or that *good sense*, to which he had borne testimony. But as Captain HARPER was fully competent to answer this question, the reader may rely upon its authenticity. [1] When I consider the tendency of the whole of this evidence, I am astonished to find it inserted in the *Dissertation*. It appears to me to be strongly corroborative of the officiary nature of a zemindarry appointment. One dismissal from office in the course of six years, seems as much as could be looked for, or expected. The direct answer to the question respecting the hereditary succession, shews that the Mogul princes did not consider themselves to be bound by the Hindoo institution of hereditary succession, further than it suited their own interest and inclination: the succession to the land is here perfectly out of the question. After attending to all these specialities, it may be proper, now, to see how far the subject will be

[1] I speak of Captain, now Colonel, HARPER, from a perfect knowledge of the man: he was the most intimate friend I had in India. I have had the same account from other military gentlemen of great respectability, who, from similar situations, had the same access of information: and I lay some stress upon the information coming from *military men*, whose minds were not warped by any party prejudices on these subjects, which, more or less, have affected all the civil servants on the Bengal Establishment. Colonel HARPER's evidence was given before a committee of the House of Commons.

illustrated

illustrated and confirmed by a reference to general history.

In every instance which history has recorded, of a country completely conquered, and occupied by the conquerors, the lands of which were partitioned into extensive *private estates*—(and what *private estates*, in any country, ever equalled in magnitude and riches some of the *zemindarry districts* in India? [k]—where will it be found that the conquerors have been totally excluded from the possession of the conquered lands, as they were in India? Was it so with the Franks, when they conquered Gaul? Or with the Saxons or the Normans, when they conquered England?—Quite the contrary:—almost the whole of the lands were immediately seized and appropriated by those conquerors. Yet we are told by the author of the *Dissertation*, that "*nineteen-twentieths* of the whole country" (of Bengal) "are still in the hands of the original Hindoos"; at the distance, at least, of four hundred years since the country had been completely subdued and governed by Mahomedans! Is this either credible or possible? No. In all that time the Hindoos had, or might have, the immediate official collection of the land-rents and revenues from the ryots, or husbandmen, under *Mahomedan control*, to be

[k] The zemindarry of Rajeshahy, in Bengal, contains 12,909 square miles: Dinagepoor, 5,174; Burdwan, 3,858, &c. the soil generally rich and productive.

paid

paid into the treasury of the *Mahomedan sovereign*; whether he happened to be the emperor at Delhy, or the provincial chief, who, by appropriating these rents and revenues, became the sovereign; supporting his independence, until he was again subdued, and rendered again subservient to the empire. Such is the general history of Bengal, with the state of its territorial possessions and revenues, until it came under the immediate government of the English East India Company, who are the present *sovereigns* of it, *solely* by being the *proprietary lords* of the soil, and by appropriating its *land-rent* and *revenues*.

What instance can be produced from all the histories of all the states of Europe, of *great land-proprietors* existing in a monarchical government for centuries, without occasioning any change or alteration upon the unlimited, despotic power of the sovereign? In every one of them, it will appear, that at some period of their history, the authority of the monarch has been restrained or supplanted, perhaps annihilated, by the preponderating influence of the *great land-proprietors*. Has this ever been the case in India, or even any where in Asia, at any time, where the agricultural allotment of land to the peasantry universally prevailed, and the rents of the land concentred in the sovereign? Have not all those Eastern despotic governments continued for ages, as far back as the record or register of events can reach, by

whom-

whomsoever possessed, unchanged and unimpaired; whether the sovereign authority was exercised by the native princes, the Grecian, the Mahomedan, or the Mogul conquerors, or by a company of English merchants? In all cases it was the same: whoever drew the land-rents and the revenues, was the undisputed, absolute, arbitrary sovereign! So uniform an effect, must have proceeded from a cause equally uniform. It is impossible, I think, to have a doubt on this subject: Since it was the proprietors of great *land estates*, who, by combining their influence, formed that power in European governments, which restrained and limited, and supplanted the monarchical authority; it must have been the exclusion of *great land-proprietors* from those Eastern governments, where the agricultural system which has been described, supplied unrivalled opulence to the crown, that preserved (and that ever must preserve) the sovereign power undisturbed and undiminished; which exclusion was clearly produced by the distribution of the lands in small portions to the peasantry, or the cultivators of the soil; who, in Hindostan, held *hereditary leases* of their fields, which have ever been regarded as sacred by its best informed and wisest rulers! In fact, this was the fundamental and constitutional law of the government, the solid base upon which the unalterable stability of the sovereign power rested. The rents of the lands flowing into the royal

royal treasury through the channel of *official collectors*, from this multiplied distribution, formed the unrivalled wealth of the reigning prince; whose opulence and consequent power were thus derived immediately from the industry of the husbandmen, whom it was therefore equally his duty and his interest to protect. Hence the necessity for appointments similar to those of the zemindars, by whatever name they might be distinguished, to protect the proprietary rights of the ryots, and to regulate, to direct, to enforce their agricultural exertions: [1] And, so far from these officers being themselves the *hereditary proprietors* of the extensive districts they managed, the principal object of their appointment seems to have been, to prevent the accretion and accumulation of *landed*

[1] The firmaun of AURUNGZEBE is so illustrative upon this subject, that I cannot refrain from quoting it again. "They" (the *aumils*, i. e. the zemindars, or their agents) "must shew the ryots every kind of favour and indulgence, &c. to engage them, with hearty good will to labour towards the increase of agriculture, so that no lands may be neglected that are capable of cultivation." And, "Those" (husbandmen) "who have the ability, they shall excite and encourage to cultivate their lands; and if they require indulgence in any particular instances, let it be granted them. But if upon examination, it shall be found, that some who have the ability, and are assisted with water, nevertheless have neglected to cultivate their lands, they shall admonish, and threaten, and use force and stripes."

property,

property, by preserving the proprietary rights of the native husbandmen. [m]

The specific remedy against that sort of tyranny which proceeds from the despotism of one arbitrary ruler, has at all times been the influence and power of an aristocracy; and in those countries, where that tyranny has continued for ages without abatement or control, the acccumulation of landed property by individuals, will be found to have been systematically prevented. In Europe, all the checks which were imposed upon the different monarchies, proceeded from the exertions of the great *land-proprietors*; who, when they were prevented from becoming tyrants themselves (to which they were violently prone and addicted) eventually became the restorers and the conservators of *general liberty*. Yet I think it may be doubted, how far it is politic in the English East India Company, or rather,

[m] One species of *talookdars* (the *miscoory*) who, according to Mr. GRANT, were clandestinely appointed by the zemindars, and whose possessions appear to have been formed from the combination of several *pottah holdings*, seems to counteract this intention. But they appear only to have existed since the government was possessed by the English, whose prejudices were in favour of such appointments; which were, in fact, infringements of the civil polity of India: as the law of the Hindoos, which divided the hereditary lands invariably among all the sons, grandsons, &c. in equal portions or shares, was evidently calculated to produce an opposite effect.

the government of England, who now possess the sovereign power of India, to transform their own native official servants in that country, into enormous *land-proprietors*, holding principalities rather than estates, and to give up the whole cultivators of the soil, their own immediate *socage tenants*, to the arbitrary sway of such local tyrants. The English government might have been satisfied with the superintending care of the British Legislature, to correct any abuses on the part of the East India Company or their servants (restrained too by the intervention of the Board of Control), over their subjects in India, without having recourse to the hazardous experiment of revolutionizing the state of landed property there, by creating great *land-proprietors*, or rather *petty sovereigns*, to feel their own strength, and to combine for the assertion of complete and absolute proprietary rights. If the zemindars are to be deemed the proprietors of their zemindarries, as the English government seem now to have established, they will very soon, of themselves, make the discovery, that the English East India Company can have no just right to levy from them NINE-TENTHS of the *rents* of their *private estates*. This enormous assessment from *private proprietors*, they will certainly regard as too high a price to be paid for government protection; and the wealth which would flow from a *ten-fold* multiplication of what

they

they are at present permitted to receive, they may be led to imagine, will enable them to protect themselves; especially if a few of those *great proprietors* of thousands of square miles of cultivated land, with innumerable inhabitants, [n] should determine to combine together for that purpose. What credit ought to be given to the rumours already whispered by fame upon this subject, I cannot pretend to judge; but as the natural dispositions of mankind are in all ages the same, we are instructed by history to expect from the same *causes*, the same *consequences* and *effects*. Some characteristic differences may indeed arise, from temperament and climate; and the natives of India may attempt to accomplish by treachery and massacre, what the daring chieftains of the North contended for by open hostilities and the conflict of arms. [o]

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[n] The zemindarry of Rajeshahy is said to contain sixteen thousand villages.—*Inquiry*, p. 33.

[o] Since the boon of property was conferred upon the zemindars of India, by the administration of the Marquis CORNWALLIS, it would seem, that something like an extensive conspiracy among them has already made its appearance. My information upon this subject is drawn from a speech delivered by Mr. P. MOORE, to a Court of East India Proprietors, held on the 13th of November, 1799, which met with great and deserved applause, and was therefore published; from which the following passages are transcribed. Speaking of Mr. VERELST's conduct in respect to the province

of

The author of the *Dissertation* seems to have assumed, that if the lands of Hindostan or Bengal were

of Burdwan, he says :—" Contrast this with the conduct of the present zemindarry representative ; a woman who is now rearing her head amidst the horde of conspirators, after having long kept you in ignorance of the condition of those valuable districts, and who for years has kept back as much of your dues as possible : this woman is now resolved, if conspiracy assist her, that you shall have none at all ; no, not an existence in the country."—Of Rajeshahy, he says: " This zemindarry, likewise held by a woman, the RANNY BOWANNY, who determined that you should obtain none of those advantages to which you are entitled by the custom of the empire, the lapse of time, and the course of nature ; and, as if to shew the absurdity of those zemindarry titles, about which I have observed party delusion has run so wild, this woman adopted a menial, or a slave of her household, of the name of RAMKISSEN, and obtained for him the title of rajah, to succeed her : succeed to what ? to the possession and management of your privileges, and to the joint rights of the British nation, over a principality containing 6,549,000 acres of land.—And, I doubt not, when the exterminating plot shall be further developed, that we shall find these names, even the adopted RAMKISSEN himself, amongst the list of conspirators for the same laudable purposes." (P. 46.)—Speaking of the defects of revenue collections, he says: " And here it is, Sir, in this department that I deduce all the encouragement, all the support which has sustained the present detestable conspiracy ; for you cannot now but see clearly, that those surplus revenues, which ought to form in yours, and which, in all well-regulated states, do form the sinews of the empire, *here* form the sinews of conspiracy, of rebellion, of British extermination ! and that those revenues, which ought to

were not the property of the zemindars, there could be no private landed property in India; a conclusion as absurd as it is erroneous!—And, upon this unfounded supposition, he descants triumphantly upon the advantages to be derived from *private property*, at the very time that the partial system which he recommends, ascribing to the zemindars the only right to lands, would actually rob millions of their established heredi-

to have supported your eastern empire, have been harshly exacted, and carefully secreted, for the purpose of being clandestinely appropriated to its destruction, and the annihilation of the British power. And by whom?—By those who pay" (receive) "the imperial revenues due to you, over whom your covenanted servants have been calumniously said, in England, to have exercised an abusive, despotic, illegitimate authority, for the purpose of private exaction and emolument. No, Sir; no such thing: the peasantry, *who contribute all the wealth of the state*, have clasped the foot, and blessed the hand, which afforded them security and protection. The public dues have not been with-held, exactions made on the peasantry, and your rentals secreted, by your covenanted servants; but by the *class of executive native officers*, called *zemindars*, and others. They are the men who oppress the ryot and the weaver. It is this class, as I have before said, whom your regulations and present system, however benevolently intended, *have thoughtlessly and dangerously converted, from obedient and useful servants, into petty sovereigns and tyrants*, who now rule over your valuable and industrious peasantry, and compel them to pay, not merely your stipulated *quit-rent*, but their own exactions also, and who grind down and impoverish those to whom you are beholden for all you receive."—P. 47.

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tary property, which they and their ancestors had possessed, not only for *centuries*, but for *thousands of years*; transferring it to the native official collectors of the land-rent and crown revenues; and elevating them into a new order of great land-proprietors in Hindostan, who would trample upon the rights of their fellow-subjects, and overturn the constitutional government of India. [p]

I have

[p] By an observation in Mr. MOORE's speech, I find that this transformation of the zemindars had abettors in the India House. The whole passage is highly illustrative of the point in question, which follows: "Such, however, Sir," (conspiracy, and its consequences) "is the manifest, and by no means unnatural, fruit of this last zemindarry system, called the *perpetual settlement*: a system which the honourable proprietor who seconded the motion, is pleased to celebrate, because every zemindar, he says, *can now call the lands his own*. I certainly agree with the honourable proprietor so far, since the system justifies their claim to possession; and their conduct, under this inconsiderate investiture, clearly shews, that the lands shall not be called ours:—no; nor any thing belong to us in the East, if they can avert it by conspiracy and revolt, &c.—That this scheme of a *perpetual settlement* with the zemindars was well intended, &c.—there we are agreed: and that it has proved inefficacious, and has failed of the expected result, I trust to the candour of the honourable proprietor, also to agree."—"I think I have already explained myself very decidedly, as to zemindarry tenure, when I said, that a useful and obedient class of officers of the state (I mean useful, when kept to their duty, and under vigilant control), by that system, have been converted into sovereigns."—"But before they can convince me, who have not

I have before adverted to the characteristic difference between the offices which were of *Hindoo*, and those which were of *Mahomedan*, institution. The former appear to me to have been all originally hereditary; and, in respect to them, the Mahomedans seem very generally to have continued the same rule of succession. But the Mussulman appointments have all been, invariably, *personal*, and have become hereditary only by abuse; or, rather, indeed, their nature was really changed; for, when the *subahdar* assumed independence, he was no longer a subordinate officer of the Mogul government, but became himself the *actual sovereign*; the representative of the original *Hindoo rajah*, who was an hereditary prince. The prejudices of Europe confirm hereditary establishments wherever they are to be found; and, if it be possible, convert them into *tenures of land*; because, among the English in particular, the law of *primogeniture*, and hereditary succession, applies peculiarly to *landed property*; to which unnatural institution (which the force of habit has made them imagine to be just) they are for binding the establishments of every other country; nor can they suppose the hereditary rule to be followed

not learnt my lesson before, that these *zemindars* were not the dependent servants of the state, they must deprive me of all my faculties; tell me that I never conversed with any of the zemindars, nor heard them a thousand times acknowledge their official dependence."

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in the disposal of a trust, or an office, which has a reference to land, without annexing to it the whole property of the official district, however extensive may be its boundaries: the argument is, that *hereditary succession* infers *property* of *land*. [q] If a man had succeeded to his father, and his grandfather, and his great-grandfather, as the supervisor, or steward, of an estate, and they had all, in succession, enjoyed a farm, rent-free, for their trouble—has this man a right to claim the property of the whole estate?—This appears to me to be precisely the situation of the Indian zemindar. Now, stewardships, it has been observed, were really hereditary among the Hindoos; and, on this account, they appear to have been conferred pretty generally, according to the same rule, by the Mahomedans. But to the *Mahomedan* succeeds the *Englishman*, with his head full of the hereditary claims of *great land-proprietors*, derived from the *feudal institutions* of the North: and he insists upon converting the humble *steward* into the princely *proprietor*; and talks of *right* and *justice*, while he robs millions of their property, and sacrifices to his prejudices all the proprietary prerogatives of government. [r]

Upon

[q] "For if the zemindarry be even an office," says the *Dissertation*, "and such office give possession of land, &c. it is in reality *landed inheritance*."—P. 31.

[r] I have seen the copy of a minute of Sir JOHN SHORE'S, now

Upon the subject of the right of the sovereign to the absolute property of the lands in India, which

now Lord TEIGNMOUTH, who had the merit, I understand, to recommend the measure which was to overturn the Asiatic system in Bengal; but it seems that he paused at the brink of the precipice, and wished to make an experimental trial of *ten years*, rather than plunge precipitately and irrecoverably into a gulf, from whence there was no extrication—struck, probably, with some forebodings, which his knowledge of India might suggest. But his superior in office, whose ideas were more purely European, insisted upon doing the thing completely, and realized the *perpetual settlement*. If the following be a correct extract, it points out the difficulty which the writer was under, to reconcile the real state of things to the system of *zemindarry property* he had so successfully patronized; somewhat resembling the perplexity of the author of the *Dissertation*, in his laboured attempt to explain the zemindarry sunnud upon his own principles. "The most cursory observation," says this minute, "shews the situation of things in this country" (Bengal) "to be *singularly confused*. The relation of a zemindar to government, and of a ryot to a zemindar, is neither that of a *proprietor*, nor a *vassal*, but a *compound* of both: the former performs acts of authority, unconnected with proprietary rights; the latter has rights without real property; and the property of the one, and the rights of the other, are in great measure held at discretion. Such was the system which we found, and which we have been under the necessity of adopting. Much time will, I fear, elapse, before we can reduce the *compound relation* of a zemindar to government, and of a ryot to a zemindar, to the simple principle of *landlord* and *tenant*."—If the reader can extract from these words any signification beyond the perplexity of the writer, he has the advantage of me. The *singular confusion*

has

which may be farther extended to all Asia, the author of the *Dissertation* declaims with great vehemence; but his arguments seem more calculated to establish its *unfitness*, than its *non-existence*. If the claims of the zemindars be all that he can oppose against it, its validity must certainly remain confirmed. In Europe, the temporary possession which a tenant holds by lease, is deemed as sacred, during its continuance, as any species of landed property. But this right of property in the tenant does not abate, nor di-

has no existence in the system of India, but is generated by the jumble of ideas which attends the attempt to assimilate *Indian* and *European* institutions; to mix the distributive agricultural system of Asia with the feudal arrangements arising from the military tenures of Europe. There is, to be sure, a *singular confusion*; but it seems to exist in the statement of the writer. Let landed property be considered, as it really exists in Asia, distributed among the cultivators of the soil, to produce the rents of government, and the purpose and intention of the appointment of zemindars will be obvious; but it will not be found to correspond with any of the national appointments of Europe; and if, to elevate zemindars to that standard, you make them lords of the property they were meant only to superintend, you will totally destroy the purposed effect of the establishment, and subvert the Indian system. What must be the consequence?—The *land establishments* of Europe must influence the *government establishments*: the stream of wealth will cease to flow into the treasury of the sovereign; rival powers will arise, to combine, and to restrain, or to annihilate altogether, the sovereign authority.

minish,

minish, the proprietary right of the landlord, acknowledged by the regular payment of the rent. If the leases of the tenants be prolonged, it will make no difference respecting the respective rights of these two persons. But the value of the tenant's lease is increased by its prolongation; because it will continue to be regarded as property during a longer period. If the lease be made perpetual, what difference will it occasion? The addition of a power to transfer it, will render it completely property. But if the obligation of paying rent regularly to the landlord, continue, under the penalty of forfeiture, in case of failure, is not his property also complete? And if the stipulated rent be proportioned to the produce of the land, does the perpetuity of the lease make any real difference in the rights of the *absolute proprietor?* Is not the *rent* equally an indication of the property, whether it be received constantly from the same tenants, or if the tenants were to be changed every nineteen years? These circumstances appear to me to illustrate the relative situation of the *sovereign* and the *ryots* in Hindostan, in respect to landed property, and to establish the permanent rights of each; which have continued uniform ever since the reign of AKBER, and the financial establishments of TUDOR MULL, when the rate of rent seems to have been proportioned to the competence or ability of the tenant to

make payment, and has continued to be exacted by the same rule ever since.

This circumstance, of the sovereign drawing the rents of the land, to which there is no dissent from any quarter, all allowing that the land-rent forms the revenue of the crown, has induced travellers, very naturally, to consider the sovereign as the universal proprietor of the lands; and, undoubtedly, in respect to the khalsah lands, the leasehold property of the husbandman, which seems to form no real bar, is the only circumstance that can be opposed to the assertion. But the author of the *Dissertation* considers this matter very differently. "It is therefore probable," says he, "that the very moment in which the ministers of AURUNGZEBE were framing these regulations" (the firmauns, Appendix, No. II. and III.), "founded principally upon the distinctions of proprietary and non-proprietary lands, was employed by BERNIER, and the other European travellers who met at his court about that period, MANUCHI, THEVENOT, CHARDIN, TAVERNIER, &c. in preparing their relations, which assert, as it were by *common consent*, that there was no such thing as private landed property in Hindostan, and that the emperor was executive proprietor of all the lands throughout his empire."*—The authority of so many respectable persons is not to be invalidated by a dash of this writer's pen.

* Page 157.

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These sojourners at the Mogul court, saw that, in Hindostan, there were no proprietors of estates, as in Europe, and that the emperor himself drew all the rents of all the lands: they did not regard the leases of the ryots, or husbandmen (if they at all adverted to their *perpetuity*), as interfering with this right; and they drew the conclusion which they stated, and which, in respect to the absolute property, is certainly just; but which does not exclude leasehold or *possessory property*. The *Dissertation* supposes that these travellers might be "dazzled by the splendour of the Mogul emperor, when they were humbly soliciting service under his nobles."*—And if a Mogul made the same declaration, he was induced to it, this author thinks, by the vanity of magnifying the power of his own prince. But the *Dissertation* itself furnishes the same position, from the answers which are given by the principal Hindoo officers under the English government, to certain questions proposed to them. The *roy-royan*, and *canongoes*, express themselves in the following manner: "After the death of a zemindar, the zemindarry devolves to his son; *although the country belongs to the king*; and he may indeed give it to whom he pleases."†—MAHA RAJAH RAJEBULLUB, the roy-royan, commences his reply to a question propounded to him, in the following words:

* Page 94.

† App. No. VII. p. 277.

words: "*The proprietor, or lord of the soil, is the emperor. Zemindars*, and *choudries*, are written as *officers*, and depend, conditionally, on the carrying on of the improvement and cultivation, and discharging the revenue of government," &c.* This seems to be a direct assertion of every thing I have been endeavouring to prove. These answers were made to Englishmen: there was no call for an amplification of the power and prerogatives of the Mogul sovereign; they seem rather to have flowed from a desire to explain the nature and constitution of the government. How comes it, then, that the author of the *Dissertation*, when he denies the assertions of *Europeans* on this subject, and qualifies the declarations of *Mahomedans*, takes no notice of the same position, inserted in his own Appendix, from the lips of the most respectable Hindoos? That all the lands are derived from, and ultimately revert to, the sovereign; and that he draws all their rents, deducting only what is necessary for the systematic expences of management, and collection, are points conceded. It seems, I think, to follow, that he may with all consistency be deemed the PROPRIETARY LORD. Nor does this at all infringe the sacred possessory property which is vested in the potta tenant, or ryot, whose rights he is so much interested to preserve; since by them are to be produced the rents, which constitute the

* App. No. VIII. p. 296.

wealth

wealth and power of the state, and of the monarchy: and, in fact, this is the only species of landed property which is proved by the *Dissertation* to have existed in Hindostan.

The jagheer grants of the sovereign form an additional proof of his proprietary rights. This institution originated, unquestionably, with the Mussulman government, as it was *personal* and *temporary*; being a transfer of land, or of the proprietary territorial rights of the sovereign, to an individual; assigning to him, not only the *rents* of the land, but authority and command over all the agricultural and financial officers of government immediately connected with it, and over the zemindars among the rest, for the collection and realization of the land-rent and revenues, now belonging to the jagheerdar, together with the protection of the ryots; who, continuing always to be the hereditary possessors and cultivators of the soil, were in no shape affected by any transference of the absolute property. A passage from FERISHTA's history, which has before been alluded to, will illustrate this subject very completely; the authenticity of which cannot be called in question. It respects the famous SHEER SHAH, when, under the name of FERID, he went to take possession of his father's jagheer. The historian says: "When he arrived at his jagheer, he actually put his resolution in practice, by rendering justice to the poor, and reducing to order

such of the zemindars as opposed his authority. He, by this means, had his revenues punctually paid, and *his country* well cultivated." [s]—The inferences are too obvious to require repetition. It has already been observed, that TAMERLANE appears to have been the first institutor of jagheers, which were, under him, allotments of land for the subsistence of an existing army. Since his time, they have taken more completely the form of European *fiefs*; but upon the footing in which fiefs were granted, under the name of *beneficia*, by CHARLEMAGNE, forming the strength and support of his government; because they were *personal*, and not *hereditary*. The sagacity of that discerning monarch, made this necessary change upon the original institution of his grandfather, CHARLES MARTEL, who first established this policy in Europe; but whose conditional grants of land appear to have been hereditary. [t] The imbecility of the successors of CHARLEMAGNE, surrendered up this advantage to the nobility, who were the vassals of the crown, by making them hereditary in their families, and thereby

[s] This passage (vol. ii. p. 151) was before quoted in the text; but as it is short, I thought a repetition of it here, preferable to a reference.

[t] The reader is requested to suspend his judgment upon this subject (respecting which he may very probably have doubts), until he read the Fifth and Last Part of this Work, where it will undergo discussion.

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creating the independence of the *great land-proprietors*, whose combined power very soon supplanted that of the monarchy. The jagheers, or the *Indian fiefs*, being of the same nature with those that were formed by CHARLEMAGNE, like them, had the effect to strengthen the sovereign power. The lands which were disposed of in this manner, bore no comparison to the khalsah, or the exchequer lands, that yielded the rents or revenues of the prince; [u] at least, those which might be considered as private donations; so that there was little danger of their subverting the government, even if they had, by abuse, become hereditary; while the khalsah lands continued in their constitutional form of distribution among the ryots, or husbandmen. There were also two other allotments of land, by which the sovereign gave up his absolute proprietary rights to others. The first was, where small portions of land were given or bestowed for charitable or religious purposes; and the second consisted in an absolute hereditary gift, named *altumgah*; by which the land was ceded in perpetuity, with all the sovereign's rights over it, to a highly-favoured individual, and his

[u] Jagheer lands, considered as destined to raise and support the military establishment, although granted to individuals, who were the leaders, or generals, were really a public application of revenue. The system, however, was bad: and TAMERLANE's plan probably did not include the raising of troops, but merely the subsistence of an army already formed.

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heirs. This seems to have been a very rare concession on the part of the Mogul emperors: and both it and the preceding, were restricted to minute and trifling portions of property. [v]

The gloss that is given to Indian institutions, by applying to them the technical language of European establishments, so changes their natural form and appearance, that they become fitted for any theoretical purpose, and so transformed, as to impose completely upon Englishmen; who, justly proud of their own constitution, regard it as the standard of what is right, and the criterion of what is wrong. But it would be well if they recollected, that in their envied situation of sovereigns of India, their *land-rents* are entirely derived from the peculiar institutions of that country; and therefore that it must be highly dangerous for them to overturn those institutions, in favour of European establishments; since the only cer-

[v] "*Enaumdars*, were holders of the charitable or religious donations of *ayma*, *muddedmash*, &c. either in lands or money, like jagheerdars, but free of service. *Altumgahdars* were the possessors of heritable gifts of land, or perpetual alienations of rent, in very small allotments; sometimes conferred by the emperor himself on favoured individuals, exempting them from every kind of public incumbrance. The jagheerdar's sunnud issued from the *dufter*, or office of the *bukhshi*, or commander in chief of the imperial troops. The other two were ascertained by special royal *firmauns*, under the sign manual." *Inquiry*, App. No. III. p. 63.—Such was the difficulty of passing a hereditary grant of land: it could only be the emperor's own act!

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tain consequence which will attend such a revolution, must be the total cessation of their present invaluable revenues. It is a matter of great difficulty, to draw any certain and satisfactory inference from the varied and the opposite representations which party and prejudice may give of the local establishments of India; but the unvaried effect which results from them, speaks a language that must be intelligible, and which cannot deceive. As far back as the records of history can reach, the government of all the countries in Asia, as well as India, has exhibited arbitrary monarchical power, undeviatingly the same; freed from restraint, from diminution, or change; which could not have been the case, had the aristocratical influence of great land-proprietors existed in those countries. We must therefore conclude, that the accumulation of landed property by individuals, has been systematically prevented: and what system of prevention could have been so effectual as the regal monopoly of land, by a national distribution of the whole surface of the state to the husbandmen and cultivators, in small, limited apportionments, held immediately from the crown? [w] which, at least in Hindostan, were per-

[w] The limitation of the possessory property of the *ryot*, is an important constitutional point, as it forms the bar to the accumulation of possessory property in Hindostan, without the concurrence of government by a grant of *talookdarry*. The

permanent, hereditary, and transferable, and therefore *property:* by which the entire produce of the land

The general fact was obvious, and I have therefore inferred it; but I did not know the precise limitation, until I found it stated by Mr. GRANT, in a list of books and papers in his possession, which is printed along with his Address to the Court of Directors, dated in May, 1799; with the perusal of which I have been favoured. To present it to the reader, in the form in which it appears, I shall transcribe the article where it is mentioned: "*Twenty, or twenty-five volumes,* in 8vo. or 12mo. composed of *ferds,* or single leaves, according to the method of drawing up the financial accounts of the royal exchequer, over all parts of Hindostan, in the Persian language and character, but bound up, for private convenience, in the form of books in the European manner, and containing general and particular statements of the whole revenue of the Moghul empire, in its greater divisions of soubahs, circars, pergunnahs, corresponding to our denominations of provinces, counties, hundreds, or parishes; from the original survey, actual valuation, and record of the lands under AKBER, as then distributed, in permanent conditional property among the ryots, or peasantry, in the minute detail of pergunnah subdivisions, talooks, villages, and *single farms, consisting usually of so much arable ground as was capable of being kept in cultivation by a plough, or yoke of oxen, under the denomination of* RUCKBAH, *extending from* 30 *to* 90 *begahs (equivalent nearly to* 10, *and* 30 *English acres),*" &c. P. 39. —If we suppose the husbandmen in ancient Egypt to have been, in like manner, limited in their possessory property (the *square piece of ground* which SESOSTRIS allotted to each of them), which seems highly probable, and if that quantity corresponded with the allowance made in *absolute property,* by the same SESOSTRIS, to the military, which I think likely,

land flowed, in the form of rent or revenue, from every quarter of the empire, into the royal treasury?—Hence every possible rivalship, or competition, from *landed property*—the sole and special source of power in every country!—was most effectually prevented. That this has constantly been the establishment of India, appears to me to be ascertained past all manner of doubt; and that an establishment, productive of similar effects, existed, and exists, in every other state of Asia, the history of the past, and the accounts of the present, situation of those countries, seem most completely to confirm.

Since the preceding sheets were sent to the press, through the channel of a friend I have received the following communications, on the state of landed property and revenue in Mysore, lately conquered from TIPPOO SULTAN; which prove the existence there, in common with the rest of Hindostan, of the great Asiatic principles of finance already largely treated on, as vesting the absolute property of the soil in the sovereign; the hereditary possessory occupancy by conditional tenure in the peasantry, and evincing that the proprietary rental thence derived, must, as it does constitute, almost the only source of public revenue known, or to be depended on, every where in India, as

likely, we find, from HERODOTUS, that it was about *twelve acres*; and it agrees very nearly with that of Hindostan.

MAHARAJA SERFOJI'S SARAS

well as all other parts of the eastern quarter of the world.

Colonel READ, to whose exertions and zeal the British armies employed against the Mysorean, in the campaigns of 1792 and 1799, owed much of the necessary supplies of provision, had been, from the former period, appointed superintendant of the collections, and administration of the newly-conquered districts of Baramehal and Salem, on the Coromandel side of the peninsula, not more as a reward for his signal services, than on account of his experienced abilities and local knowledge. This gentleman found that the *desmooks*, or official zemindars, who had preceded him in the subordinate financial management of the country, had been recently dismissed by TIPPOO; nor did he think himself authorized to reinstate them afterwards, when, on the change of government, they applied to him to be restored to their former employments. In behalf of the East India Company, therefore, he appears to have taken possession of the whole district, as a landed estate in absolute property, and entered into all the detail, perhaps more minutely, of proprietary management, than any individual land-holder in Britain would be competent to engage in, on a much smaller scale of territorial demesne.

In the first place, he ascertained, by an exact survey, the square contents of the whole district; its subdivisions in pergunnahs, villages, and farms; then

then the extent of all the different soils, producing various articles of culture; classed them, and valued the yearly crops; which having distributed, according to the established rates of division, between the circar, or state, and the cultivators, through the medium of the *putteles* (moccudims, or chief ryots), after deducting the necessary charges, he thus regularly, in annual rotation during seven years, realized the public revenue of government.

The general statistical view, with the average results of the financial operations, for one year, were—a district, in all its dimensions, of 6259 square miles; from which deducting 1262, the area of unproductive hills, left 4997, or about three million one hundred and ninety-five thousand acres of plain territory—composing twenty-five pergunnahs, in which were 4865 villages—peopled by 612,871 Hindoo inhabitants (with the exception of a few Mahomedans), including 85,227 shuders, or tenants of the government farms, and 17,314 in possession of lands alienated for charitable or religious purposes, or other private proprietary holdings, officially, by inheritance, or grant; and who together, under the denomination of *combies*, forming the class of husbandmen in the Decan—by means of 51,198 ploughs—564,730 head of cattle, besides 633,390 sheep, and aided by 3207 reservoirs of water of various descriptions—kept in annual culture, of

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the total before-mentioned plain territory (after deducting 1,405,593 acres capable of cultivation, but suffered to lie fallow, in pasture, or waste, with 664,928 acres more, ever unproductive, as being under useless wood, covered with water, villages, &c.), only 1,125,025 acres arable, being little more than one-third of the whole superficies; —and which yielded of gross agricultural produce, chiefly in rice, and other grains, annually, to the value, at the average standard of the local markets, of pagodas 19,39,054, including therein only 57,425 pagodas, collected as *syer*, or variable imposts, of the nature of duties, or taxes.

Of that total produce of the land in culture, according to the established rates of division between the sovereign and ryots, in different proportions, depending on the circumstances of the soil, the quality and quantity of yearly crops, but estimated, on a medium, in the district in question, at rather more than one-third, under the denomination of land-rent, as the stated dues of government, and its agents,—pagodas 712,530, being at the rate nearly of 5s. per acre, reckoning the pagoda equivalent to eight shillings sterling, were appropriated and paid through the putteles, and principal farmers, in behalf of themselves and the lower peasantry, as the share and yearly renttal of the circar;—to be charged, however, with certain incumbrances and expences, necessary to be deducted, in order to ascertain the net revenue-

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rent received into the public treasury. Of these deductions, the annual value of the alienated portion of territory before-mentioned, and amounting to pagodas 130,235, is to be taken into the account; and to that may be added, as thought fully adequate to every charge of management, about twenty per cent., being rather more than the amount actually incurred—thus leaving only a clear public income to the state, of little more than four lacks of pagodas, as the net rental of the whole district.

What Colonel READ thus laboriously effected, or brought to light, in a small division of Mysore, hath been for ages accomplished, and recorded throughout Bengal, and all the other completely-subdued provinces of the Mogul empire in Hindostan—the knowledge of which is asserted, and believed to be still regularly and officially attainable. But if such details surpassed in execution the competency of the native administrations of Mahomedans, forming generally, throughout the country, one-tenth of all the inhabitants governed, how infinitely beyond the capacity of a few hundred European servants of the East India Company must they be, in any view of a permanent system over the prodigious extent of the British territorial possessions and tributary dominions in Asia!

Yet it does not follow, that the great constitutional principles of the lately existing government

in India, founded on the experience of ages, and the invariable practice of so many nations, are to be laid aside or subverted on slight inquiries, imperfect information, or vague undigested opinions of any person or persons, not formally, or in fact vested with legislative authority under the supreme ruling power ;—more especially, if such subversion has the effect of alienating the sovereign's just and necessary dues,—violating the sacred possessory rights of the great mass of the people who are cultivators, and transferring gratuitously to a few official land-holders, under the erroneous idea of their being hereditary proprietors of their respective territorial jurisdictions, the actual property of the soil, including not only what pays rent to government, but, what is of infinitely more consequence than the thing thus transferred, as well as of greater extent, all the waste and unassessed pasture lands of the British dominions in India; while, at the same time, it is avowed, that nine-tenths of the present rent belong to the state, which therefore hath a larger interest, and more the means of making such lands productive of revenue; and that only the remaining tenth proportion of it is to constitute the real estates of those land-holders called zemindars, but who are known to possess, exclusively, an immense extent of territory, fraudulently alienated, and are now, besides (if permitted by the British legislature), supposed to be vested in

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the fee-simple of a vast indefinite space of uncultivated, though, for the most part, arable, and highly valuable ground, without equal interest, means, capacity, or inclination as the sovereign, to make it more beneficial to themselves and the state, or subservient to an extended population.

It is, however, to be observed, that Colonel READ, who appears to have been a man of singular aptitude and talents for financial employment, resigned his charge of the Baramehal, &c. in the perfect conviction of the propriety and expediency of a system of intermediate agency between the sovereign and the ryot, to realize the annual revenue-rent of India, either in the manner instituted under the Mogul administration, by official zemindars, or through small proprietary occupants of estates, with extensive financial jurisdiction; provided the lower classes of the peasantry can be sufficiently protected against the avaricious, merciless disposition of the higher and middling orders of the natives, reared, and ever doomed to live under a despotic, though, generally, bearing the character of a mild government, towards the subjects here in question; and if, particularly, provision can be made for the gradual and effectual improvement of waste lands. In all which the author most cordially concurs; and proceeds to remark further, on the same authority, that—

On the Malabar coast, in the district of Canara, acquired by the extirpation of TIPPOO, in 1799, when Major MUNRO, said to be a very able financial disciple of Colonel READ's, was deputed thither, for the collection of the revenue, he discovered that the peasantry were the only real proprietors of the land; no doubt, because their rights were found better ascertained and protected there, than any where else that had fallen under observation. And there are, moreover, two letters, No. XLIX. in the Appendix to Colonel BEATSON's account of the taking of Seringapatam, from Captain MACLEOD, who proves to be another worthy pupil of Colonel READ's, giving a statement of the revenues of the whole of TIPPOO's country; in which the language of truth and consistency seems to have been adopted, through the superior intelligence and good sense of that gentleman, who styles the principal head of Mysorean revenue, neither *tribute*, nor *tax*, nor *duty*; but what it really is, a *land-rent*.

PART IV.

THE EMPIRE OF CHINA.

THE immense empire of China, forming the eastern boundary of Asia, and, seemingly, disjoined from all other states and governments, except those which are immediately dependent upon itself, presents another striking example of an absolute monarchy continuing for as many thousand years as that empire is said to have existed (and its duration has exceeded that of every other government upon earth), without the smallest abatement or diminution of its power. [a] This circumstance alone, in my opinion, amounts to a demonstration, that the absolute property of all the lands in China must be vested in the emperor, who, exclusively, draws their rents, or, what is the same thing, absorbs all their produce, beyond what is necessary for the support of the cul-

[a] "No potentate on earth possesses so unlimited a power as the sovereign of this numerous nation. All authority is vested in him, and in him alone."—"This absolute power in the head of the Chinese empire, appears to be as ancient as the empire itself. It is one of the fundamental laws of its constitution."—Abbé GROSIER's Descr. of China, vol. ii. p. 2.

tivator,

tivator, or husbandman. That this is the situation of China, seems to be confirmed from the circumstances that are mentioned by the missionaries who resided long in that country, and who had acquired a knowledge of the language, and given their attention to such investigations. For this information, it would be vain to consult the more modern travels which have been recently published; the authors of which, in a mere transit through the country, could employ but one sense, to gratify themselves and amuse their readers; and the pencil and graver are more essential than the pen, to their communications, by which the sight, rather than the understanding, is to be informed. The Abbé GROSIER's *General Description of China* seems to be a judicious compilation from the most authentic publications respecting that country, to which I shall have recourse for the facts that may elucidate the state of landed property and government there.

According to this intelligent writer, there are no nobility in China, except the Mandarins, who are solely of the emperor's creation, deriving all their rank and power from the appointments which he confers; and this rank exists only during his pleasure, and never is hereditary. [b] This, in fact,

[b] "The emperor alone has the disposal of all the offices of state: he appoints viceroys and governors, and changes and removes them at pleasure."—"The Mandarins, whether of

fact, is the condition of all nobility under the Asiatic governments, without Hindostan may be deemed an exception, where, by the Hindoo constitution, offices being hereditary, that degree of rank which they confer, must continue in succession from father to son. It is so, we are informed, without exception, in the Mahrattah state, which is an independent Hindoo government: and some of the original Hindoo appointments were also permitted to continue hereditary under the Mogul government of Hindostan; but the rule was liable to infringement;—such were the *canongoe* appointments, and possibly also those of the *zemindars*. But all appointments under this government,

of letters or of arms, compose exactly what is called the nobility: they are not hereditary: the emperor alone confers or continues it." Ibid. p. 4, and 5.—The following passage shews the indiscriminate manner in which this nobility is created; whose requisite qualifications are founded on their literary acquirements at the public schools, or seminaries of literature: "We must not judge of Chinese peasants from those of Europe, especially in what relates to the lights acquired by education. Free schools are very numerous in every province of China; and even some of the villages are not destitute of this advantage. The sons of the poor are there received as readily as those of the rich: their duties and studies are the same; the attention of the masters is equally divided between them: and from this obscure source talents often spring, which afterwards make a conspicuous figure on the grand stage of life. Nothing is more common in China, than to see the son of a peasant, governor of the province in which his father long toiled, in cultivating only a few acres."—Ibid. p. 123, 4.

vernment, which were conferred upon Mahomedans, and constituted the only species of nobility they enjoyed, were entirely personal, terminating, at farthest, with the life of the incumbent. It was the same in Persia and Turkey. In Europe the case was totally different. A great proprietor of land there, derived a rank from his landed property, which was originally independent of the crown, and regarded as a species of nobility. This rank resulted from that degree of power which the property of land invariably confers; and it passed with the land, in hereditary succession, from father to son. In the work to which this was intended to be an appendage, I have denominated this, *natural nobility*, or the *nobility of property*, to distinguish it from that which was derived from the crown; to which, in Europe, it was uniformly antecedent. The baronage of England was originally of this kind, and the degree of rank which it conferred, had a reference to the quantum of land which the proprietor possessed: hence the distinction between *great* and *small* barons; a different mode of summoning whom to parliament, by, apparently, a very casual article in the *Magna Charta* of King JOHN (seemingly without intention) occasioned the royal prerogative of *creating* barons, and changed altogether the nature of this order of nobility in England. But in no Asiatic state could the *nobility of property*, or *natural nobility*, exist; because

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in Asia there were no great land-proprietors; all lands being the property of the state, and the land-rents forming the revenue of the crown. This circumstance therefore, namely, the exclusion of every species of hereditary nobility from China, appears to me a strong corroborative proof, that the property of the land is there vested in the crown.

In China, the lands seem to have been brought into a higher degree of cultivation than in any other extensive government in the world; the proportional population appears also to be greater. [c] The increase of moveable property kept pace

[c] "Father AMIOT has been at great pains to investigate this point, which hitherto has been examined with too little attention. It is evident from his calculations, that China contains at present two hundred millions of inhabitants." Descr. of China, vol. i. p. 364, 5.—It appears that the taxable inhabitants, who are the heads of families, are accurately ascertained in China, by regular official returns from the villages, towns, cities, and provinces. They amounted to 28,516,488, by an authentic publication. The Chinese reckon every family, one with another, to consist of six *mouths*, or individuals. Father AMIOT calculates them only at five, which produces 142,582,440. He next reckons the number of persons, civil and military, who are employed by government, with all their dependants and attendants, all of whom are exempted from taxation, and exceed the number of taxable inhabitants; whom again he multiplies by five, as they are the heads of families, and he makes the result considerably

pace with agricultural improvement; art and industry being every where unremittingly employed upon the simplest productions of Nature; the value of which, by inventing, fabricating, embellishing, and adorning, they multiply more than a thousandfold. "The internal commerce of China," observes the Abbé GROSIER, "is immense; that of all Europe is by no means to be compared to it; but," he adds, "on the other hand, its foreign trade is much inferior to that of any of the grand commercial powers of Europe."*— It would appear that China is not desirous of increasing her foreign trade. The quick returns, and the double advantage, which internal commerce yields, are found to be much more beneficial and productive. The practical wisdom of China made this discovery, long before the philosophy of Europe could account for it. [d] In abstaining

derably to exceed 200,000,000.—See Abbé GROSIER's work, above quoted.—Sir GEORGE STAUNTON's account exceeds this, and may perhaps be nearer the truth.

* Vol. ii. p. 355.—The first part of this assertion is improbable.

[d] The principle will be explained by the illustration. Dr. SMITH, in his *Wealth of Nations*, observes (vol. i. b. ii. ch. v. p. 448. q. e.), "The capital which sends Scotch manufactures to London, and brings back English corn and manufactures to Edinburgh, necessarily replaces, by every such operation, two British capitals, which had both been employed in the agriculture or manufactures of Great Britain. The

staining from the use of the precious metals, as coin, for the purposes of commerce, the practice of China seems also to differ from the theory and practice of Europe. [e] The current coin of China is made of copper. Silver, indeed, is also used for the purchase of goods and commodities; but it is rather in the state of bullion, than as coin; being formed into thin plates, for the convenience of cutting, and being valued entirely by the weight. [f] Gold does not seem to be used at all, either

The capital employed in purchasing foreign goods for home consumption, when this purchase is made with the produce of domestic industry, replaces too, by every such operation, two distinct capitals; but one of them only is employed in supporting domestic industry."—" The returns of the home trade generally come in before the end of the year, and sometimes three or four times in the year. The returns of the foreign trade of consumption, seldom come in before the end of the year, and sometimes not till after two or three years. A capital, therefore, employed in the home trade, will sometimes make twelve operations, or be sent out, and return twelve times, before a capital employed in the foreign trade of consumption has made one. If the capitals are equal, therefore, the one will give four and twenty times more encouragement and support to the industry of the country than the other."

[e] Upon this subject, the same enlightened author who is quoted in the preceding note, has corrected the mistaken notions which were so prevalent in Europe, upon the subject of money. See his excellent *Inquiry* on the Wealth of Nations, b. ii. ch. ii.

[f] " A time was, when China knew no other money than that formed of shells. The money at present consists only of two

either as a coin, or as a substitute for money. The symbol is not here mistaken, as it seems to be in Europe, for the reality of wealth. No where does the wealth of *moveable property* abound so much as in China, and yet money is no where so scarce. The government certainly does not consider this to be an evil : it rather seems to regard it as a political advantage ; because China has many mines, both of gold and silver, which are rigidly interdicted from being opened. [g] Without pretending to reason politically upon this subject, we may attend to the effects which it seems to produce. Money in China bears a legal interest of thirty per cent. per annum ; but com-

two kinds ; one of silver, the other of copper : the latter is of a round figure, and about nine-tenths of an inch diameter. This piece of money has a small square hole in the middle, and is inscribed with two Chinese words on the one side, and two Tartar words on the other. With regard to the silver pieces, they have no proper figure ; their value is regulated by their weight only. The Chinese cast the silver into large and small plates, merely for the sake of commerce." Descr. of China, vol. ii. p. 81.—The following note is added upon this subject : " For want of small coin, a Chinese carries always with him, besides his scales and weights, a pair of scissars, with which he cuts the silver money in pieces, and either gives or receives such in buying goods."

[g] " The Chinese government does not think that gold or silver money can ever add to the richness of a state. China contains many mines of gold and silver, and even of precious stones ; but they are not permitted to be opened."—Ibid. p. 83.

pound

pound interest, or the adding of the interest to the principal, is interdicted by a particular law. [h] The practice in China seems to be, to borrow by the *month*, rather than by the *year*; the quick returns of internal commerce establishing this custom, which a foreign trade would not admit of. "It is difficult to conjecture," says the Abbé GROSIER, "and still more to discover, the motives which induced the legislature to authorize so exorbitant an interest."—"The most satisfactory and rational account that any of them (the Chinese writers) have given, is, that the great interest of money prevents those who are rich *from purchasing much land*. Territorial possessions would tend only to embarass and impoverish them, since their produce would be much inferior to that of their money."*—This reasoning seems to imply, that the policy of the state was to obviate the possible existence of great *land-proprietors*; whose property, at any rate, would be subject to the rent drawn by government. I have not found data to establish how the *possessory* property of land was regulated in

[h] "The rate (of interest) authorized by government, is no less than thirty per cent. and the year is only lunar."—"But though the borrower, or debtor, should neglect to pay the interest of a month, or a year, or even that of several years, this omission can never become capital."—Ibid. p. 92.

* Ibid.

China; whether the tenures were only temporary, as in Turkey, or if they were permanent and hereditary, as in Hindostan. But it appears, I think, past all doubt, that the *absolute* property of land (as in every other Asiatic state) was here vested in the crown, or the government.

The Abbé GROSIER observes, that in China "the ministry have an accurate and minute account of all the lands in each district; of their different degrees of fertility, and what is cultivated in them."*—This, at once, explains the interest which government has in the produce of the lands; which is exemplified in the account that is given of the finances. "Those who breed silk-worms," says the same author, "pay the *taxes* in silk, the husbandman in grain, and the gardener in fruits," &c.†—The word *taxes*, must here mean *rent*; and the purport of the passage is, that the rent of the lands is partly paid in kind; which is another natural consequence of the scarcity of money. "The indulgence granted to the subject," continues our author, "by this mode of *imposing taxes*, is no ways detrimental to the sovereign."—"The commodities collected as *taxes*, are almost all consumed in those provinces in which they are levied. If any thing remains, it is sold for the behoof of the emperor, and the amount is deposited in the imperial treasury."—

* Ibid. p. 114, 5.

† Ibid. p. 76.

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I suppose, therefore, that the officers of government must receive a portion of their salaries, or allowances, in commodities. The subject is no further explained.—The taxes which are paid in money (it is observed), " arise principally from the customs, and from the sale of salt, which belongs entirely to the emperor; from the duties paid by ships, on entering any of the ports; and from other imposts, on various branches of manufacture. These excepted," says the Abbé GROSIER, " the *trader* scarcely contributes any thing towards the exigencies of the state; and the *mechanic* nothing at all. *The weight of the permanent and personal taxes falls entirely on the husbandman.* This burden is regulated in proportion to the *extent of his lands, and to their fertility.* The greatest precautions have been taken, that he may not be overcharged in the imposing, nor harassed in the levying, of the *taxes.*" [i]—I hope the reader will perceive, that it is absolutely necessary, in this place, to substitute the word *rent* for the word *taxes*, in order to make the Abbé GROSIER's account consistent. In another part of his work, he says: " The *husbandman* in China enjoys *many* and *great* privileges, while the *mer-*

[i] In another part of this work, where the author is assigning causes for the extraordinary and increasing population of China, *one* is thus expressed: " The fixed state of *taxes, which being always laid upon lands,* never fall but indirectly upon the *trader* and mechanic."—Ibid. p. 390.

chant and *mechanic* are much less esteemed." *— How does this tally with what is said above? Are we to suppose that the weight of the *permanent and personal taxes* (from which the *trader* and *mechanic* are exempted) form the the circumstance that constitutes these boasted privileges?—Surely this cannot be!—But if those special and peculiar payments, altogether, only constitute an adequate remuneration for the lands which they hold from the crown, and cultivate and labour for their own emolument and advantage, there is no longer any mystery in the demands that are made upon them. [k] They are understood to have full value for all that they pay, which, when combined, but compose the *rent* that is due to the monarch, or the state; and those payments, which the European pen misrepresents, under the name of *taxes*, become perfectly reconcileable to, and consistent with, the favour and the partiality that is uniformly shewn by government to the farmer and the husbandman. "The registering of lands," observes the Abbé GROSIER, "so often, and to no purpose, projected in France, has been long practised in this empire, notwithstanding its prodigious extent." †—In France, the lands are private property; in China, they are the property

* Ibid. p. 120.

[k] Which the Abbé GROSIER expressly says, are proportioned to the *extent* and *fertility* of their lands.

† Ibid. p. 78.

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of the state, and the rents form the revenues of the government: hence the necessity for registration.

There is considerable difficulty in ascertaining, from the Abbé GROSIER's work, what proportion the rent of the lands in China, payable to the crown, bears to their general produce. The only passage that seems to have any reference to this subject, is his *exordium* to the article *finances*, where he says: " The first idea of a work, entitled, *La Dixme Royal*, or *Royal Tythe*, which is attributed to the Marshal DE VAUBAN, appears to have been taken from a practice which had long prevailed in China." *—This is very vaguely expressed; but it seems to imply, that the crown-rent in China was a tenth part of the produce; which, if nothing else were paid, might with propriety be styled only a *quit-rent*. We find, however, that there were other special taxes exacted from the husbandman, which, doubtless, made up his full rent. I allude to the assertion, that " *the weight of the permanent and personal taxes falls entirely on the husbandman, in proportion to the extent of his lands, and their fertility.*"—A passage from the *Ayeen Akberry*, respecting Persia, may contribute to elucidate this subject: " In former times," says that work, " the Monarchs of Hindostan exacted the *sixth* of the produce of the lands; in the Turkish empire, the husbandman

* Ibid. 77.

paid the *fifth*; in Turan, the *sixth*; in Iran, the *tenth*: but, at the same time, there was levied a general *poll-tax*, which was called *kheraj*."—The resemblance so far holds, that the personal tax in China is a *poll-tax*, of an arbitrary nature; at least, it was unequally levied on the different classes of subjects. [1]—" But COBAD, king of Persia,"

[1] There is published a translation of two accounts of China, written by two Arabian travellers, who visited that country as merchants, so far back as the year 1351. The following is a quotation from that work: " *They have no impost upon their land*, but are subject only to a *poll-tax*, which is levied upon men only, and that according to *their condition* and *capacity*."—" When any dearth makes necessaries very dear, *then does the king open his store-houses, and sell all sorts of provisions*, much cheaper than they are to be had at market; and hence no dearth is of any long continuance among the Chinese." P. 24.—This last circumstance seems to correct the mistake in the first assertion; since the contents of these *royal store-houses* must have been the *rents in kind* which were received for the lands; but those merchants probably considered nothing as revenue, but what was paid in *money*. The same account adds: " The sums that are gathered from the capitation-tax are laid up in the public treasury; and I believe that, from this tax, fifty thousand dinars are every day paid into the treasury of *Canfu* alone, although this city be none of the largest in China."—" The emperor also reserves to himself the revenues which arise from the salt mines, and from a certain herb which they drink with hot water, and of which great quantities are sold in all the cities, to the amount of great sums. They call it *sah*; and it is a shrub more bushy than the pomegranate-tree, and of a more taking smell; but

Persia," continues the *Ayeen Akberry*, "disapproved of this arbitrary mode, and intended to have made a measurement of all the arable lands in his empire, for the purpose of ascertaining an equitable fixed revenue."—His death intervening, the plan which he projected was carried into execution by his son NOORSHEERVAN; who determined, after making necessary regulations, that one *third part* should be the proportion of revenue. Now, as by this regulation, the relief of the husbandman was proposed, it would appear, that although the nominal rent was but *one-tenth* of the produce, he had actually paid more than what was equivalent to a *third*. Again, "Latterly," says the *Ayeen Akberry*, "in Iran and Turan, government has taken *one-tenth* of the produce of the soil; but, at the same time, the husbandman is loaded with a number of other taxes, which, altogether, exceed *half the produce*."* —So that, if the rent in kind immediately exacted from the farmer in China, be only a *tenth* part of the produce, his other special payments to

but it has a kind of bitterness with it. Whatever sums are lodged in the treasury, arise from the poll-tax, and the duties upon salt, and upon this leaf." P. 25.—In the remarks made upon these accounts by the editor, or translator, it is observed, "that the salt is still taxed, but tea is clear;"—which seems to mean, that no money-revenue is now exacted upon tea. Undoubtedly the lands which produce that plant, pay the usual rent to government.

* Vol. i. part III. p. 347, 8.

 govern-

government will be found to amount to a full and adequate rent for his lands. [m]

The Chinese idea of an adequate rent, when personal taxes were not exacted, may be ascertained from an account that is given, by the Abbé GROSIER, of a conquest made by one of their generals, in the year 1759, over the adjoining country of the *Eleuthes*, which was extended to little *Boukaria*, and some other petty states, inhabited by Mahomedans; of whose situation and country the general writes in the following terms to the emperor: "I beg your majesty to have compassion on these people, who, by the misfortunes of the present time, are become just objects of pity. The soil of this country is far from being rich: in good years it produces seven or eight returns; in common years, only five; and

[m] It would appear, that a similar change to what took place in Persia, had actually taken place in China, from the following passage in the Abbé GROSIER's work: "These difficulties, added to those resulting from the great number of exemptions, poor itinerant tradesmen, people employed on the rivers, &c. at length induced the Emperor YONG-TCHING to abolish the *jinting*, and to substitute in its room the *ty-ting*; that is to say, to change the *capitation* into a *land-tax*, in order that the revenues of the state might be more fixed and certain, and that the collection of them might be made with greater exactness, and in a manner less burdensome to the people." Vol. i. p. 383, 4.—This appears to be the same transaction with that stated in the *Ayeen Akberry*, but clothed in European language, and blended with European ideas.

in bad years, three at most. I have lett out the lands of the rebels to be cultivated, on condition that *half of the profits arising from them shall be given to your majesty.*" [n]—Half the *profits* is considerably less than half the *produce*, because the expence of labour and seed are deducted. I therefore conclude, that the payments made by the husbandman to government, in China, including

[n] Of the previous situation of those people, the general writes: "I have found, that when KALDAN TSE-RING reigned over these Mahomedans, the tribute which the people of Hashar were obliged to pay him, amounted to 6700 tenke" (the tenke about six shillings value): "that this prince received also, by way of tribute, *for the territories dependent on this city*, 40,898 *pathma*" (the *pathma* equal to forty-five of our *theou*, or bushels) "of grain, 1463 tcharack" (each equal to ten Chinese pounds) "of cotton, and 365 tcharack of saffron."—I think there can be little doubt that this was *land-rent* paid in kind. Of the Eleuthes, the same letter states: "Besides the usual taxes which the Eleuthes pay in common with others, every ten families among them are obliged to give ten ounces of gold: those who have gardens, or vineyards, are obliged to give dried raisins, &c. Their *tax* is a thousand pounds for every seven gardens, or vineyards." Vol. i. p. 187, 8.—This is surely rent, and apparently high. The letter concludes with advising the emperor to coin new money for the conquered provinces; and adds: "By these precautions, good order will be established; trade will be no longer interrupted; and the Mahomedans will not be sensible that they have changed their master, but by the advantage which will arise to them from living hereafter under your laws." Dated from the camp before Hashar, the 22d of the 7th moon (13th September, 1759).

personal

personal taxes, which, as far as they are special, may be reckoned *rent*, will, altogether, amount to about a *third part* of the produce of his land; the ostensible rent being paid in kind, and the personal taxes in money; making partly a *money-rent*, and partly a *rent in kind*; which circumstance is probably a reason for still continuing the *capitation-tax*.

The empire of China is divided into fifteen provinces. The Abbé GROSIER, in his description of the province of *Pe-tchelli*, which contains *Pekin*, the present capital of the empire, and the general residence of the emperor's court, enumerates the different articles which constitute the revenue, in the following words: "*Pe-tchelli* pays an annual tribute to the emperor, which, according to Father MARTINI, consists of 601,153 bags of rice, wheat, and millet, 244 pounds of linseed, 45,135 of spun silk, 13,748 of cotton, 8,737,248 trusses of straw, for the horses belonging to the court, 180,870 measures of salt, each containing 124 pounds." *—As the salt is said to belong to government, this must be all the salt the province produces. The Abbé GROSIER adds: "We shall see in the sequel, that this tribute is proportionably much inferior to that paid by other provinces."—He does not, however, state the particulars composing the revenue of any

* Vol. i. p. 4, and 5.

of the other provinces, but, in general, their estimated amount. He reckons the province of Kiang-nan, which, he says, is one of the most fertile, commercial, and richest in China, to bring every year into the emperor's treasury thirty-two millions of taëls, each equal in value to an ounce of silver, or about six shillings sterling, making the enormous sum of nine millions and six hundred thousand pounds. *Nan-king*, formerly deemed the metropolis of the empire, is the capital of this province. The island of *Tsong-ming* is an appendage to it, where salt is made " in such abundance, that the island can supply most of the neighbouring countries." [°]—This circumstance seems to account for the great amount of the revenue. I shall only advert to such of the provinces as attract attention, in the view that I am taking of China. The province of *Kiang-si* is remarkable for the porcelain manufacture, which is " the finest, and the most valuable in the empire." *—King-te-ching, called a village,

[°] " This salt is extracted from a kind of grey earth, which is found dispersed, by acres, in different cantons, especially in the north."—The island *Tsong-ming* was formerly a sandy desert, to which criminals were banished; it was afterwards highly cultivated. " Some parts of it produce wheat, rice, barley, cotton; citrons, and several other fruits."—" In this island there is only one city, of the third class; but villages are so numerous, that they seem to touch one another, and to form one continued city."—Ibid, p. 44.

* Ibid. p. 46.

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in this province, contains about five hundred furnaces for this manufacture, and an immense population. *Tche-Kiang* is the province most remarkable for the produce of silk. Of the city Hou-tcheou-fou, the Abbé says, "the quantity of silk manufactured here, is almost incredible. To give some idea of it, we shall only say, that the tribute paid by a city under its jurisdiction, named *Te-tsinghien*, amounts to more than five hundred thousand taël, or ounces, of silver." *—The province of *Chang-tong* produces a great revenue to government, from the river *Yeen*, called the great imperial canal, passing through it. All barks from the south, bound to *Pekin*, make use of it: "They transport such quantities of merchandize, and provisions of every kind, that the duties collected on this canal alone amount, every year, to more than four hundred and fifty thousand pounds sterling." †—*Quang-si* seems to be the only province where gold and silver mines are permitted to be wrought. The inhabitants gave in a plan to the emperor for working them, and petitioned that they might be permitted to carry it into execution. The emperor referred the petition to the sovereign tribunal, who, "after mature deliberation, approved of the plan; but insisted that, according to what had been practised formerly, upon a like occasion, *forty* per. cent.

* Ibid. p. 67.

† Ibid. p. 79.

should

should be given to the emperor, and five per cent. to the officers and soldiers who presided over the work." *—The small province of *Koei-tcheou* lies almost in the centre of the empire, and is very mountainous. The Abbé observes, that " the people who inhabit it are mountaineers, accustomed to independence, and who seem to form a separate nation: they are no less ferocious than the savage animals among which they live."—" A great quantity of land might be found in this province, which would yield a considerable produce, were it improved by culture; but the terror struck into the Chinese by these mountaineers, keeps them in the neighbourhood of their fortresses." †—To this may be added, what the Abbé Grosier esteems the general amount of the whole revenues, which, he says, is " more than a thousand millions of French money, or about forty-one millions sterling." ‡—To these particulars I shall add the following arrangement and enumeration of the cities, towns, and fortifications, contained in the empire; which, if accurate, is certainly curious; and it has the merit of being concise.

" There are reckoned to be 4402 walled cities, which are divided into two classes, the *civil* and *military*. The civil class contains 2045; and that

* Ibid. p. 112.
† Ibid. p. 116, 118.
‡ Vol. ii. p. 79.

of

of the military 2357. The civil class is again divided into three other classes: 175 of the *first* class, which the Chinese call *fou*; 270 of the *second*, which are called *tcheou*; and 160 of the *third*, which are distinguished by the name of *hien*. The military cities are divided into seven classes. There are reckoned to be 629 of the *first*, 560 of the *second*, 311 of the *third*; 300 of the *fourth*, 150 of the *fifth*, 100 of the *sixth*, and 300 of the *seventh*. Soldiers are quartered in some of these cities, *and a certain quantity of land assigned them in the neighbourhood, for their support*." —This circumstance seems to confirm the emperor's proprietary right to the lands. "The frontiers and sea-coasts," continues the Abbé GROSIER, "are defended by 439 castles, which are well fortified, and kept in good order: there are also, along the same coasts, 2920 towns, many of which are equal in extent and population to several of the walled cities," &c. *

China has been twice conquered by the Tartars. First, in the thirteenth century, by an army of the great GINGIS-KHAN; [q] whose successors

* Ibid. vol. i. p. 119, 120.

[q] He failed in the first attempt, which was made by himself, A. D. 1210, having been rather worsted in a battle which he fought with the Emperor ALTOUNKHAN, who prevailed upon him to retire, by giving him his daughter in marriage. The invasion was repeated in the year 1213, and Pekin

cessors continued to hold the government of the northern division of China, called Cathay, until the year 1368, when they and the whole of the Tartars were completely expelled from the empire. The fugitives divided, and took different routes; one part of them proceeding westward, to rejoin the Mogul Tartars, to whom they had originally belonged, and with whom they soon resumed their ancient habits. But the other division of them, proceeding eastward, occupied a tract of country along the coast between China and the river *Saughalien*, which they found almost an uninhabited desert. They established here the same customs to which they had been used in China, and formed a new nation, differing totally from the other Tartars, in language, government, religion, and customs, under the name of the *Manchew Tartars*. The following account is given of them by the Abbé GROSIER: "The Tartars who retired hither, after their expulsion from China, in 1368, immediately began to build cities, towns, and villages, and to cultivate the earth, after the manner of the Chinese, among whom they had lived: hence the greater part of them have remained fixed, and are much more civilized

Pekin taken, though GINGIS-KHAN was not himself present; and the rest of China, or Cathay, was subdued in the course of two years, by one of his generals, whilst he was prosecuting other conquests.

than

than the rest of the Mogul nation." *—I must here remind the reader, of the uniformity that has been observed among all pastoral tribes in all countries, and in all ages. Whilst they held their lands in common, and had their ideas of property confined to their herds and their cattle, centuries, and even thousands of years, rolled over their heads, without producing the smallest change upon their natural character, their dispositions, or their capacities; but no sooner does the individual begin to labour for himself, to till his own field, and amass his little stock, than the change produced upon the state of property, improves the man, and meliorates the people. How striking is the present instance, among a race of men upon whom time alone never yet had made any alteration! [q]

* Ibid.

[q] The following is the Abbé GROSIER's account of the western Chinese Tartars: "These Tartars have neither towns, villages, nor houses: they form themselves only into wandering hordes, and live under plain tents, which they transport from one place to another, according as the temperature of the different seasons, or the wants of the flock, require. They pass the summer on the banks of their river, and the winter at the bottom of some mountain," &c. Vol. i. p. 166. —This agrees nearly with Sir W. JONES's account of the Usbeck Tartars; it agrees with Mr. VOLNEY's account of the wandering Arabs; it agrees with HERODOTUS's account of the ancient Scythians.

In

In the course of four centuries, the Manchew Tartars spread themselves in tribes over an immense tract of country, extending from the limits of the Chinese empire to the precincts of Russian Tartary, under the special government of their respective khans, or chiefs: and, as they separated from the first settlers, they assumed different shades of civilization, which, in all instances, corresponded to the state of property among them; some of them reverting back to their ancient state of pastoral society. The circumstances which are stated by the Abbé GROSIER, can have no reference to this explanation; but they seem to confirm it. He divides Manchew Tartary into three grand departments; of which the first, called *Chin-yang*, lies next to China: it is mountainous, and abounds in metals and woods. "The land in general," says he, "is fertile, and produces wheat, millet, liguminous plants, and cotton. Immense herds of oxen are seen feeding in the valleys," &c.—*Kirin* is the second department. It is thinly inhabited, having only two or three ill-built cities. The valuable plant ginzing grows in this country. It is divided into the provinces of *Kirin*, *Pelouni*, and *Ningouta*. This last is famous, "as the cradle of the present imperial family in China."—The Tartars of *Yupi-tase*, he observes, are "stupid and clownish, and without the least tincture of letters, and even without any religious worship. *They sow neither wheat, nor rice, nor any thing*, but a little

tobacco

tobacco in some of the fields surrounding their villages."—The river *Ousuri* supplies them with nourishment: "Of one part of their fish they make oil; another supplies them with daily food; and a third, which they dry in the sun, is reserved for winter." *—Two districts to the northward, are inhabited by native Tartars: "The *Tagouries*, who appear to be the oldest inhabitants of the country, are tall, strong of body, and accustomed to labour: they build themselves houses, sow corn, and cultivate their lands; although they have always been surrounded by Tartars, who live under tents, and are entirely ignorant of agriculture." †—There is another tribe, called the *Solon* Tartars, who, the Abbé says, "are still more robust, braver, and of greater ingenuity. They are almost all *hunters*: their women mount on horseback, handle the bow and the javelin, and follow in the chase, stags, and other wild animals. It is generally at the beginning of October, that these Tartars depart to hunt *sables*, clad in a short close garment of wolf's skin. They cover their heads with a cap made of the same, and carry their bows suspended at their backs. *They take along with them several horses, loaded with sacks of millet*, and their long cloaks, made of fox's and tyger's skins, which they wrap round them, to defend themselves from the cold, especially during

* Ibid. p. 129, 130.

† Ibid. p. 135.

the

the night. Their dogs are trained to this kind of hunting: they are accustomed to climb the steepest rocks, and know all the stratagems of the *sables*."*—It is essential to observe of this ingenious people, that they are not *hunters* for the sake of food, but for merchandize, or gain. The *sable*, whose value is his fur, appears to be the peculiar object of their search; and although they hunt in common, as the mode which is probably found most successful, it is presumable that private property exists among them; which is always the surest spur to industry and knowledge. We see, by their carrying millet along with them, that they are in an agricultural state of society; and by no means in what is called the *hunter state*; when men, like animals of prey, depend upon the game which they kill, for their sustenance.

Of all those different *Manchew Tartars*, the tribe of *Ningouta* became most eminent for military reputation; and it seems to have acquired an ascendancy over the others, even previous to the invasion of China. In the course of the seventeenth century, the rebel LI-CONG-TSE usurping the government of China, and occasioning the death of the emperor, and the most of his family, the Chinese nation resisted his yoke, and applied to TSONGATE, the khan of *Ningouta*, and the leading chief, or sovereign, of the Manchew Tartars, to assist them against the usurper; and they

* Ibid. p. 135, 6.

they opened their gate to admit him and his army within the famous Chinese wall. [r] In a similar manner did the English nation invite the Saxon princes, HINGIST and HORSA, to defend them from the Picts and the Scots. In both cases, the foreign aid answered the purpose for which it was called. In England, the Picts and the Scots were beat back; in China, the usurper was conquered, and expelled. But the same circumstance seems also, in both cases, to have suggested the same reflection; that a people who could not defend themselves, were formed to be conquered. The task was arduous to the Saxons; but not so in the Asiatic government, where the conqueror had but to assume the reins, supported by his warlike Tartars, and quietly to exercise the functions of the emperor of China! This revolution

[r] This circumstance seems to be misrepresented by some writers. Mr. GUTHRIE, in his Geographical Grammar, says: "Their celebrated wall proved but a feeble barrier against the arms of those famous Tartars;" conveying the idea of its having been forced; which appears not to have been the case. The Abbé GROSIER says, "that the Tartars did not force their way through the Chinese wall: they were invited, at the intercession of China, to drive from the throne the usurper LI-CONG-TSE; who was conquered and expelled, and never again appeared: but the victorious Tartar assumed his place." Vol. ii. p. 22.—When GINGIS-KHAN's army entered China, it was also by one of the gates, which was treacherously opened by the khan who had the charge of it. See Hist. of GINGIS-KHAN.

added

added the whole of Manchew Tartary to the Chinese empire, and subjected all that country to the rules of Asiatic government. According to the Abbé GROSIER, the change was rather favourable to China, as it brought more vigour into the administration; and the Tartar prince had the wisdom to carry into complete effect the genius and spirit of the Chinese constitution. [5]

The conquest of China by the Tartars, somewhat resembled the conquest of Hindostan by the Moguls. But the modification of the constitution in the former government, differs considerably from that in the latter. In both, the military establishment was under the immediate command of officers appointed from the conquering nation; but, in Hindostan, those officers held a rank and authority, which was, in general, much superior to the appointments conferred upon the native Hindoos; whereas, in China, the literary Mandarins, who hold all the great civil appointments, are native Chinese; and they possess a

[5] The following are the Abbé GROSIER's observations upon this subject; "The new masters of China made no change in the government: they adopted the ancient form, and it still subsists. The Tartar conquerors submitted to the laws and customs of the conquered nation: they were contented with reforming certain destructive abuses which had insensibly crept in, and which a wise government can neither tolerate nor permit. In a word, China appears to have gained much by a revolution, which seemed likely to occasion its ruin."—Ibid. p. 157, 8.

rank and authority which are uniformly and universally superior to what the military Mandarins, who are, generally, Tartars, enjoy. [t] This extraordinary power vested in them, is regulated and controled by a peculiar censorial system of check and inspection, which ensures fidelity and attention in the discharge of their duty, and effectually preserves the revenues from suffering infringement or defalcation, in passing through their official management. [u]

Some

[t] " The honours so lavishly bestowed upon the *Mandarins of letters*, do not prevent the Tartars who inhabit China from preferring the profession of arms: they seem formed by Nature for a military life." Ibid. p. 24.—" The principal military offices are held by Tartars." Ibid. p. 140.—" A *Mandarin of arms* is far from enjoying the same consideration as a *Mandarin of letters*." Ibid. p. 7.—" The homage which the people pay to every Mandarin (of letters) is almost equal to that paid to the emperor himself." Ibid. p. 10.—" They (the Mandarins of arms) are never indulged with the smallest share in the government of the state."—Ibid.

[u] " Every supreme tribunal has its *censor*. This is an officer merely passive, who decides upon nothing, but keeps a watchful eye over all."—" They are never removed from their places, but in order to be promoted; and, as they hold them for life, this security gives them courage to speak out, when they observe any impropriety or abuse." Ibid. p. 30. —" The *censors* form also a tribunal, which has the inspection of the whole empire." Ibid. p. 31.—" The authority of every inspector sent into any of the provinces, is confirmed also by the seal of the emperor. The duty of these deputies, is to examine into the conduct of governors, magistrates, and

private

Some remarks from the Abbé GROSIER's account of the states tributary to China, will serve also to shew, that the principal revenue derived from them was, in like manner, drawn from the

private individuals. Does any of them think it his duty to summon the viceroy before his tribunal, this great man, with all his importance, is obliged to attend. Has a superior behaved ill to an inferior magistrate, the former becomes the prisoner of the inspector, until he has cleared himself from every imputation," &c, p. 130, 1.—"The viceroy of a province is always a Mandarin of the first class, and possesses, in his district, a power almost unlimited."—"He is the receiver-general of all the taxes collected in the province intrusted to his care; and it is he who transmits them to the capital, after having reserved what he judges necessary for the urgent wants of the province." P. 133, 4.—"Every three years, the viceroy reports concerning the conduct and behaviour of the Mandarins under him. This report determines their fate; according to its contents, they are either continued or disgraced."—"The inspectors of the province report, respecting his conduct, in the same manner." Ibid.—"All Mandarins, whether Tartars or Chinese, of *arms*, or of *letters*, are obliged, every three years, to give in writing an exact account of the faults they have committed in discharging the duties of their office." P. 137.—"Every Mandarin who has discharged the duties of his office with ability, zeal, and fidelity, is rewarded; but if he has been guilty of any action tending to oppress the people, or to occasion a famine or scarcity among the lower classes, his punishment is not confined to dismission; he is impeached, and tried before the tribunal of crimes." P. 138.—Such are the checks which over-awe the conduct of the *civil* or *literary* Mandarins, whose *official existence*, and consequent *rank*, is continued or annihilated, at the will of the emperor.

rent of the lands. Of the states, or tribes, on the side of Tartary, which the Chinese general subdued in his expedition, in the year 1759, some observations have already been made.* The *Lolos* are said to have been formerly independent; but their chiefs "submitted, on condition of enjoying for ever all the honours of Chinese Mandarins. The emperor stipulated that they should be dependent on the governors of the province, in civil affairs, in the same manner as Chinese Mandarins of equal rank: that, besides, *they should receive from him the investiture of all the land*."—It is added, that "the princes of the *Lolos* are absolute masters of their subjects," &c.†—The *Sifans*, who inhabit a mountainous tract, were imperfectly subdued. Of the island of *Tai-ouan*, or *Formosa*, which is called a *tributary* state, the following remarks are made: "The natives of Formosa pay in *grain*, the *tribute* imposed on them by the Chinese. To regulate every thing that concerns the laying on and collecting of this *impost*, government has established a Chinese in every village, who is obliged to learn the language, and act as interpreter to the Mandarins. These interpreters are cruel extortioners to the miserable people, whom they ought rather to protect: they are such unsatiable leeches, that they can scarcely

* See pages 232, 233.

† Vol. i. p. 207.

ever

ever be satisfied." *—From this account it would appear, that the emperor of China had assumed the absolute property of the lands in Formosa, in the same manner that he possessed them in China, and drew their rents; which was not therefore a tributary state, but under his immediate government. What is called the *tribute*, was in fact the *rent* of the lands, levied in *kind* by the interposition of these interpreters, through whose administration the inhabitants of that conquered country became liable to cruel impositions; because a very rigorous system of control is absolutely necessary to prevent abuses in the collection of the crown-rents from the cultivators of the soil, who can only be protected by the utmost vigilance of government. Hence the *wisdom* of the system which is pursued in China, as well as of that of Hindostan; and, I cannot resist adding, the *folly* of those who would subvert it! The peninsula of *Corea*, lying between China and Japan, is, properly speaking, a tributary state, paying a stipulated revenue, for which its immediate sovereign is accountable to the emperor of China. Of Corea, the Abbé GROSIER observes: "This kingdom is governed by a sovereign, who exercises an absolute authority over his subjects; although he himself is a *vassal*, and tributary of the emperor of China."—"This prince is absolute master of all the wealth of his subjects, which he inherits

* Ibid. p. 232, 3.

after

after their death."*—So that the sovereign of Corea, like the Turkish government, not satisfied with the constitutional property of the lands of the state, claims also a right to all the personal and moveable property of his subjects, at least after their demise. *Tong-king*, or Cochin China, seems also to be a tributary state, dependent upon China. So likewise is *Thibet*; but the religious ascendancy of its immediate sovereign, confines the acknowledgments which he makes to China, to articles in general rather sacred than intrinsically valuable. "The tribute which the sovereign of Thibet sends to the emperor of China," says the Abbé GROSIER, "consists, generally, of gold or copper statues of the god Fo; perfumes, amber, coral, precious stones, woollen stuffs, and sword-blades."—The water of the Ganges is likewise mentioned as a tributary article sent from Thibet; the value of which must be greatly enhanced by the immense distance of land-carriage.†

Upon the whole, it clearly appears that in China, as in all the other Asiatic monarchies, the absolute property of the lands is vested in the sovereign; that the land-rent, which is paid partly in kind, and partly by personal and special exactions upon the farmer, forms the principal revenue of the state; and that the possible existence of *great land-proprietors*, is precluded by this

* Ibid. p. 245.

† Ibid. p. 321.

con-

constitution of government, which has the certain effect to perpetuate the unlimited authority of the crown. It farther appears, that all the monarchical governments which are tributary to, and dependent upon, the empire of China, are of the same species; excepting only the *pastoral tribes*, among whom land is *common*, and who acknowledge the emperor to be their *grand khan*, or principal *chief*. [v.]

That the territorial revenue of China, making at least nine-tenths of the whole public income, was, and is in its nature, like that of all the other states of Asia, a *land-rent*, levied immediately on the peasantry by government, in proportional shares, according to the gross annual agricultural produce, is sufficiently inferred, from the observations and language of the best informed writers and travellers on the affairs of that empire, so celebrated for its wisdom; its protection and encouragement to husbandry.

It is farther to be inferred from the internal economy of the finances; the registry of the lands—payment of the revenue—rent for the most part in kind, and its appropriation in the first instance towards defraying the expence of all

[v] The Abbé GROSIER says of the Western Chinese Tartars—"All the Moguls are governed by khans, or particular princes, independent one of the other; but all subjected to the authority of the emperor of China, whom they consider as the grand khan of the Tartars." Vol. i. p. 170.

the

the provincial, civil, and military establishments, locally, before the residue of public income be remitted to the royal treasury at Pekin; and in short, from the similar financial institutions found here in common with the rest of Asia, but more especially Persia; perhaps from the circumstance of the existence in both these states, comparatively to their extent, of little interior or external commerce, which on a larger scale would necessarily have required the aid and facility of exchange, through the medium of a gold and silver coin in currency. It is, however, more evidently deducible from the largeness of the aggregate amount of what is defined to be the land income of the whole Chinese empire, in exclusion of Tartary, by the Abbé GROSIER, and more recently by Sir GEORGE STAUNTON, in his account of Lord MACARTNEY's embassy to China.

Much allowance is to be made for the misinformation of travellers, in a transient and partial view of countries which fall under their observation; particularly if in the suite of an ambassador, whose steps are watched with jealous eyes, by a weak, or worldly-ignorant people; and above all, if that people, unacquainted with the state and opinion of other nations, arrogate to themselves pre-eminence in power, wealth and numbers; and, beginning with self-imposition, are ultimately led by vain glory and oriental hyperbole, to practise deceit on strangers, by inflating all the circumstances

cumstances of their own real or ideal greatness. Such, for instance, may be suspected to be the basis of the schedule of the population of China (making every reasonable allowance for its true magnitude) given by one of its officers, and exhibited in the appendix to Sir GEORGE STAUNTON's relation, stating the enumeration at 333,000,000 of souls, and so greatly beyond the numbers of any other existing nation on the earth, within the same, or proportional boundaries; and such also may be suspected to be the foundation of the ordinary revenue of the empire, when carried to the amount of 66,000,000l. sterling annually. But the table of the latter, extending only to about forty millions, though coupled with that of the above doubtful population in the same appendix, appears so moderate, and conformable to the gross income of other Asiatic countries, better known to us, and having moreover the antecedent sanction of the Abbé GROSIER's calculation, that I shall beg leave to make a few remarks on the general heads of that table, and elucidate by comparison, the principles on which its construction or accuracy may have depended.

Considering this revenue as chiefly a *land-rent*, in respect to amount, it matters not how realized; whether through the intervention of mere collectors immediately appointed by government; by temporary assignments on the land, in lieu of salary, under the control of provincial administrations,

tions, and so made good to the state by the several officers of the civil and military establishments, acting officially, personally, or by delegates, as is the universal practice throughout the rest of Asia; or whether by means of occasional farming lease, or land-holders, or yet by a description of people termed hereditary proprietors, entitled to something equal to, or beyond a tenth per cent. on the gross collections from the peasantry: nor, in the same point of view, does it appear of importance to ascertain, what the proportional rates of division may be in this empire, whether a half, a third, or a fourth of the annual crops shared between the sovereign and the cultivator of the ground.

But it must seem indisputable, to all who know the low comparative value of land in Asia, whatever the rates or mode of assessment may be, that a territorial revenue, exceeding in gross thirty-eight millions sterling, and leaving a residue of upwards of ten millions annually, to be remitted and absorbed into the royal treasury, after defraying all the vast expences of a prodigious establishment, civil and military, throughout the several provinces and departments of an immense empire; calculated to contain an area of near thirteen hundred thousand square miles; and requiring to maintain from its own yearly produce, any thing like a population of three hundred and thirty-three millions; yet possessing the aids of a very

limited

limited external commerce, and feeling only the languid operations of interior traffic, in the way of barter, as carried on without the facilitating medium of either a circulating coin of the precious metals, or substitute paper currency; at the same time that the price of labour, and of the necessaries of life, are apparently low, while the interest of money, as might be expected, is as high as 30 per cent.—I repeat, under all these circumstances, it would seem incontestable, that the great territorial revenue in question, can not be properly of any other description than a *land-rent*, levied annually by the state as a part, and that in a very large proportion, of the gross agricultural produce of the soil shared with the peasantry.

To suppose an original land-tax to the same amount (and the Chinese system is not said to have varied from its first institution), [w] raised at the rates of ninety, or even fifty per cent. by government in the first instance, on the private proprietary rental of great and small land-holders, possessing in such case, all the natural wealth, and consequent influence in the virtual administration, of the empire, would not only be absurd in itself, but still more so, according to the supposed last diminished rate of assessment, in assigning a value to the lands, and agricultural produce of

[w] Except in converting part of the revenue, by capitation, into land-rent, as before mentioned in the note, p. 232.

China,

MAHARAJA SERFOJI'S SARASWATI

China, infinitely beyond what similar lands have attained to in other countries, equally well protected, where the richest productions of the earth abound in greater variety, and to indefinite extent, with the concurrent advantages of more enlarged commerce, manufactures, and the wants of habit and luxury, to raise those productions to their highest estimation, with the consequent worth of the lands and industry, which brought them into existence: but to change the thing, and suppose a *land-rent* conformably to the universal original institutions of Asia, and from thence infer the gross receipt of government to be, as in India, about the medium rate of six shillings per acre, on the portion of territory actually in culture, exclusive of fallow; and in China, three shillings the acre, on double that portion of ground, alike productive of rent in kind, though, perhaps, on the basis of a lesser original rate of division with the peasantry, appears at once a natural, easy, and simple way of accounting for the magnitude of the territorial revenue of those countries. [x] To elucidate this subject,

[x] According to the system of farming in India, and probably in China, except in the vicinity of large towns, one third of the lands in culture, are yearly, or for a longer period, fallowed; and for ground, four-fifths of the annual produce of which, is rice, or the meaner grains of joary, &c. forming the necessaries of life to the bulk of the inhabitants, a rupee per begah, or about six shillings the acre, is rather a high average rent for the whole of Hindostan—though in Bengal,

subject, however, it may be necessary to enter into some further details and comparisons.

Sir GEORGE STAUNTON, after stating the residue of the land-rent remitted to the imperial treasury at rather more than ten millions sterling, enters into a calculation of the expence of the civil and military establishments previously defrayed out of the annual revenue, throughout the several provinces of China. Among these establishments he enumerates a million of infantry, and eight hundred thousand cavalry, allowing two tahels, or ounces, of silver (each worth about 6s. 8d. of our money) to every soldier per month, for pay and provisions, and double that for the cavalry, including food; making the total charge of all the establishments near twenty-six millions more. But he omits an allowance for any revenue establishment, at least, for all the numerous subaltern officers, requisite to realize, in any shape, a revenue-rental in kind, over such a vast extent of country. Their numbers cannot, certainly, be less than half a million; and as the pay of a soldier every where (stated in China to be about sixpence per day) may serve to ascertain the price of labour, as well as of the necessaries of life, so the annual expence of such a financial train may be estimated to amount, at least, to two millions;—

Bengal, and other commercial provinces, the medium value is much greater, and for particular articles of produce, the rate of land might appear extravagantly dear.

thus constituting, with the two former sums, an aggregate of about thirty-eight millions sterling, as the probable gross territorial income of the whole empire.

To the amount of land-revenue, Sir GEORGE particularizes, and adds in his table, *taxes*, or variable duties and imposts on trade, manufactures, &c. producing a net surplus to the treasury at Pekin of rather more than six hundred thousand pounds; and from the gabelle on salt (regulated in China pretty much as formerly in France, though, doubtless, with more equality, and less hardship, or perhaps rather conformably to the better arranged system now existing in Bengal), a profit on the sales of that article, in supplying all the wants of the provinces, and after deducting the expenditure of the different establishments, as so much of their whole allowance from the state,—amounting to one million two hundred and ninety-eight thousand pounds: hence the sum-total of Chinese revenue, from every source, appearing thus to be near forty millions; or, taken at perhaps the more accurate calculation of the Abbé GROSIER, it may be stated, in gross, at forty-one millions sterling.

Now, as the neighbouring Mogul empire of Hindostan, in climate, productions, and other internal circumstances, bears the nearest affinity to China, in order to appreciate by comparison, the probable justness of the preceding revenue statement of the

latter

latter country, I shall here exhibit a similar cursory view of the situation, resources, and public income of the former, with the advantage of its being better known to us. In its greatest extent, from Sylhet to Kandahar, east and west, and from Kashmere to Cape Comorin, north and south, the square dimensions of Hindostan, are little inferior, perhaps a twelfth part, of the estimated superficial contents of China. Within the area of India, however, is included, and therefore to be deducted, a very considerable tract of sandy desart on both sides of the Indus, and stretching thence to the interior, easterly, as far as the skirts of the subahs of Ajmere, Delhi, and Lahore. Beside this waste of flat territory, another of no less size, almost equally unprofitable, composed of mountains, barren rocks, or covered with useless wood, occupies the more central parts of the whole country; and it may be considered a very moderate allowance, to assign a full half of all the remaining territory for rivers, lakes, and marshes, the site of villages, and pasture lands, valuable to the people, though wholly unproductive of revenue to the state;—thus calculating the portion actually in culture, or fallow, and yielding public income, on the ascertained exact principles of a yearly rental, divided with the (ryots) peasantry, at the medium rate of the (rebba), or fourth of the gross produce of the soil, not to exceed three hundred thousand square miles, or

 about

about one-fourth of the whole area of the empire. Yet this limited space of arable ground, is stated to have rendered a gross annual revenue to the Great Mogul, at the beginning of the 18th century, of thirty-seven millions seven hundred thousand pounds sterling,* which, after deducting 8 per cent. for the amount of syer, or variable imposts included therein, and defraying the civil and military expences of all the dewanny and subahdarry great provincial establishments of the empire;—but, remembering the addition of mofussil, or internal financial charges, also omitted in the general computation of Indian revenue, as hath been remarked in that of China; and moreover, making a large allowance for the national vanity of inflating such accounts beyond the standard of truth, as well as for anticipations of the produce of countries, then only in the contemplation of being subdued; which aggregate, I repeat, thus adjusted on a fair statement, and according to the best information now procurable, did actually yield to the royal treasury at Delhi, a net annual land-rent of upwards of twelve millions sterling; when, at the same time, it may be remarked, it is true, that some of the richest articles of culture and manufacture, exceeded greatly in value and variety those of China; but that by far the greater part of the produce of

* Vide FRASER's History of Nadirshah.

the soil, as in the latter empire, was of the meanest kind, though of the most necessary articles of rice and other grains, and at the utmost, only required to maintain, or otherwise provide for the natural simple wants of a population in the mass, of a hundred millions of souls. [y]

Again, on comparison of the profits on the salt gabelle, occurring in the Indian as well as the Chinese financial system, it may be thought a discovery is made, which will prove fatal to the accuracy of the statements, at least of the population, if not of the revenue, deduced from the Chinese system. Throughout nine-tenths, however, of the Mogul empire, salt was never an article of regal monopoly, or subject to any extravagant duty; and still, almost all that is produced on the extensive sea coasts of Coromandel and Malabar, with what is furnished from the rock-salt and springs, in and about the lake of Sambhur, in the subah of Ajmere, and other places internally over different provinces of Hindostan, goes to supply, at a very moderate rate indeed, three-fourths of the inhabitants, who are great individual consumers of this necessary of life, as subsisting chiefly on the vegetable diet of rice. It is alone in the British province of Bengal

[y] It is here to be observed, that under the latitude of 30°, in the low lands of Hindostan, and perhaps of China, subject to the fertilizing influence of the periodical rains, the same ground frequently produces two crops of grain annually.

that this important article of manufacture is made productive of public revenue, by a similar mode of commercial management as in China. But after allowing for, and adding the expenditure of, two millions and a half of persons, composing the provincial establishments of the Chinese empire, at the rate of 20l. each individual per annum, being as a drop in the ocean, to the profits which might be expected to be forthcoming from the supply to a population of three hundred and thirty and a half millions, scarcely a surplus income of a million and a half sterling can be computed to accrue to the imperial exchequer of Pekin from this monopoly. Whereas in Bengal, where certainly a traveller, in traversing the sunderbunds, [z] might behold, if the golahs (warehouses) were unroofed, innumerable mounds of salt, though, surely, not on the same extensive scale as were seen, according to Sir GEORGE STAUNTON's account, on the banks of the Pekin river; and of which the value of the very bags, required, it seems, there, for storing up, or for transportation, to supply the exigencies of the whole Chinese empire, might be supposed equal to the entire profits of sale on the consumption of the British province, with its immediate neighbouring dependencies: yet, on the contrary, the fact is, that near a million sterling annually ac-

[z] An inexhaustible wilderness of wood for fuel, on the maritime border, at the mouths of the river Ganges.

crues

crues to the Bengal government, of profit on the sale of this article, even at the low medium selling price of a penny per pound, and when the prime cost is near a third of that value, being probably at much the same rate, on the original expence of labour, as in China.

After having thus reviewed the great central monarchical dominions of Asia, from the Mediterranean to the Chinese sea, and established the grand universal principle of their revenue and support, to be that of a *land-rent*, in the common acceptation of the terms, as the proprietary income of the sovereign, it may be thought unnecessary to extend the inquiry farther, as the example and maxims of such predominant empires must necessarily influence all those of inferior degree in their vicinity. That of the Birman, comprehending the united kingdom of Ava and Pegu, in the further peninsula of India, and perhaps the next in wealth, power, and grandeur, thought nearly equal in dimensions to Bengal, cannot be supposed to have avoided the ruling policy of Hindostan and China, which lie contiguous; the one on the north-west, and the other adjoining north-easterly. It seems proper, however, to remark, that Colonel Symes, a recent intelligent writer, sent on a public mission from Bengal to the Birman court, makes this discovery rather imperfectly, or in obscure terms. He gives an agreeable narrative of his voyage, 500 miles up the great river Irra-

waddy, to Ummerapoora, the modern capital of the united kingdom; but candidly confesses himself without the means of ascertaining the amount of revenue; and it is only here and there, in general terms, more appropriate to European notions, that the nature of it, with the state of landed property, is at all to be collected from the work. The great eastern principle, however, establishing the proprietary right in the soil to be vested in the monarch, is said to be expressly acknowledged in an ordinary ceremonial of the natives.* There are no hereditary dignities, or employments. The *dhasameda*, or tenth of produce, is the portion to be exacted by the sacred law, as the authorized due of the government; but as this proportion evidently attaches merely to duties of exports and imports, according to the impolitic avaricious ideas of some Asiatic states unacquainted with the true principles of commerce; and as the sacred law in question is acknowledged to be derived from the Hindoo institutes of MENU,[a] which assign a sixth of agricultural produce to the king; so we may fairly take, at least, this proportion as the rate of the

* Vol. iii. 8vo. edit. p. 164.

[a] This orthography of MENU has been adopted from Sir WILLIAM JONES; but, once for all, it may be observed, that, according to the Hindoo pronunciation, including that of native Sanscrit scholars, the name of the Hindoo legislator is pronounced MUNNOU.

land-

land-rent exacted here, as in all the other great monarchies of Asia, for the support of government, and chiefly levied in kind directly from the husbandman. On this subject Colonel SYMES observes, that the revenue arising from the customs on imports, and from internal produce, is mostly taken in kind; a small part of which is converted into cash; the rest is distributed, as received in lieu of salaries, to the various dependents of the court. Princes of the blood, high officers of state, and provincial governors, receive *grants* of provinces, cities, villages, and farms, to support their dignity, and as a remuneration of their services: the *rents* of these *assignments* they collect for their own benefit. Money, except on pressing emergency, is never disbursed from the royal coffers: to one man the fees of an office are allotted; to another a station where certain imposts are collected; a third has land; each in proportion to the importance of his respective employment: by these donations, they are not only bound in their own personal servitudes, but likewise in that of all their dependents: they are called slaves of the king; and, in turn, their vassals (doubtless the ryots, or peasantry, being here meant) are denominated slaves to them: the condition of these grants include also services of war, as well as the duties of office. [b]

There

[b] These services are supposed more particularly, if not entirely, to refer to the establishment of war-boats, so considerable

There being no gold or silver coin proper to the country, in currency here, more than in China, commerce, of course, is carried on by the languid operations of barter. Nevertheless, the sovereign is supposed to have accumulated immense wealth, by pursuing the favourite maxim of oriental state policy, of hoarding money or bullion, when it is considered, that a very small share of what enters his exchequer returns into circulation. The elements of riches, in the various luxuriant produce of the soil, affording materials for a very extensive profitable trade, after maintaining a numerous population, calculated at seventeen millions, have certainly been profusely scattered over the whole Birman empire; for, excepting spices, teas, silk, opium, with the finer cotton and shawl manufactures, all the other rich productions, natural or artificial, to be found in any of the countries around, are to be met with here in the greatest abundance; while a safe and commodious harbour (rangoon), with an inexhaustible stock of teak timber, for ship-building

siderable on the rivers and coasts of the Birman empire. If Colonel SYMES had procured a copy of one of the grants mentioned, it might have afforded a curious subject of comparison with the tenor of the zemindarry sunnuds, or grants, bestowed under the Mogul government in the Bengal subordinate district of Dacca, to support the similar war-boat establishment there, called *nowwareh*, to repress the predatory incursions of the neighbouring Moghs, or Arakaners, more recently subjected to the Birman dominion.

(which

(which art, even now, is carried on there, almost exclusively, in the way of traffic, for the Indian seas), would, under the influence of active enlightened European councils, render it one of the most flourishing, powerful states, on the whole continent of Asia. *

* Vide SYMES's Embassy, vol. ii. 8vo, p. 354, 5, and 364—379.

PART

PART V.

THE TRANSITION FROM THE PASTORAL TO THE AGRICULTURAL AND CIVILIZED STATE OF SOCIETY IN ASIA, PROGRESSIVE AND NATURAL, ESTABLISHING ABSOLUTE MONARCHICAL POWER: THE SAME CHANGE IN EUROPE, COMPULSIVE AND ABRUPT, RESULTING FROM THE DOMINATION OF ROME, WHICH ESTABLISHED THE INDIVIDUAL PROPERTY OF LAND, WITH ITS CONSEQUENCES.

THE circumstance of land being *common*, or the property of the society, and never possessed by individuals among the *pastoral tribes*, which has been so frequently pressed upon the attention of the reader, seems to offer a natural explanation of the rise and progress of the Asiatic constitution of monarchical government, which is uniformly and unalterably despotic. These peculiarities have been shewn to depend upon the absolute property of the land being vested in the sovereign, which precludes the rivalship of power through the means of great land-proprietors; who cannot possibly exist under such circumstances. But how this absolute property of all the land of the state, came originally to be vested in the monarch or sovereign, is the question

tion which it is so difficult to answer. If we suppose the pastoral state of society to have universally preceded the agricultural state in Asia; a supposition not void of historical support; [c] a

[c] In Europe, most of the countries which the Romans conquered and civilized, were at the time, or had been in that state of society. Ancient Germany was entirely occupied by pastoral tribes; and from what CÆSAR says, the Gauls had previously been in the same state of society. Book vi. ch. 22.—"Formerly the Gauls exceeded the Germans in bravery, &c.—But" (observes he) "the neighbourhood of the Roman provinces, and an acquaintance with traffic, has introduced luxury and abundance among the Gauls, whence becoming, by little and little, an unequal match for the Germans, and being worsted in many battles, they no longer pretend to compare with them in valour."—Of the ancient Asiatics we can receive no account but from themselves. The most ancient records of Hindostan seem to bear evidence of a pastoral state having preceded the establishment of agriculture. The institutes of MENU rank the keeping of cattle as the most honourable employments of the *Vaisya* tribe, which is strongly recommended; and complaint seems to be made against the preference given to agriculture and commerce, as if this were an innovation, which indicates a preceding pastoral state of society. "But a *Brahman* and a *Chatriya*, obliged to subsist by the acts of a *Vaisya*, must avoid with care, *if they can live by keeping herds*, the business of *tillage*, which gives pain to sentient creatures, and is dependent on the labour of others, as bulls, and so forth."—Ch. x. art. 33.—"Since the Lord of created beings, having formed *herds and flocks*, intrusted them to the care of the *Vaisya*; while he intrusted the whole human species to the *Brahman* and *Chatriya*."—Ch. xi. art. 327.

very

very obvious explanation seems to result from it. Among all pastoral tribes, the monarchical form of government is prevalent:—the chief is the representative of the public, and in time of war, his command is absolute. The first and earliest transition from the pastoral to the *agricultural* state of society, must always remain a subject for conjecture. In the climate of Asia, the advantages which would lead to this change, would, however, be more seducing than probably they were in Germany, and would admit of a more rapid change.—In Germany, we are informed by CÆSAR, that agriculture was partially adopted by the Suevians, without appearing to have made any change whatever on their pastoral habits. Their land continued to be *common*, and was merely broke up at some assigned places by the plough, to supply a scanty crop; which was portioned out to the community, who used it sparingly, in aid of that food which the influence of habit, and the pride of custom preferred. [d] These

[d] By the mode in which agriculture was carried on, it must have been barely turning up the soil, because the ground was changed every year. "Sed privati ac separati agri abud eos" (the Suevians) "nihil est: *neque longius anno remanere uno in loco, colendi causa licet:* neque multum fromento, sed maximam partem lacte atque, pecore vivunt, &c.— To enable all readers to judge, I shall transcribe this passage entire from Professor DUNCAN's translation.— "They" (the Suevians) "are said to be composed of a hundred

These circumstances occasioning no change in the condition of property among them, produced no sort

dred cantons" *(pagos)*, " each of which sends yearly into the field a thousand armed men. The rest, who continue in their several districts, employ themselves in cultivating their land, that it may furnish a sufficient supply both for themselves and for the army. These again take up arms the following campaign, and are succeeded in the care of the lands by the troops that served the year before. Thus they live in the continual exercise of agriculture and war. *They allow of no such thing as property, or private possession in the distribution of their lands; their residence, for the sake of tillage, being confined to a single year. Corn is not much in use among them, because they prefer a milk or flesh diet.*" Book iv. ch. 1.—Of the Germans in general, CÆSAR gives the following account:— " Agriculture is little regarded among them, as they live mostly on milk, cheese, and the flesh of animals. Nor has any man lands of his own, or distinguished by fixed boundaries." Book vi. ch. 20.—TACITUS (in the translation of Mr. GORDON), says—" They" (the Germans) " shift from land to land, and still appropriating a portion suitable to the number of hands for *manuring*, anon parcel out the whole amongst particulars, according to the condition and quality of each. As the plains are very spacious, the allotments are easily assigned.—*Every year they change and cultivate a new soil; yet still there is ground to spare.*"—Ch. 24.—This last circumstance shews the nature of their husbandry; which may be further judged of from the following quotations, also from TACITUS:—" Upon any recess from war, they do not much attend the chase. Much more of their time they pass in indolence, resigned to sleep and repasts. All the *most brave*, all the *most warlike*, apply to nothing at all; but to their wives, to the ancient men, and to every the most impotent domestic,

sort of alteration in the nature and genius of the people. The case would, probably, be different in Asia; where the crops in most places, with the same treatment, would be much more abundant and inviting. The industry of the individual might thereby be stimulated, and he might be tempted to apply for permission to cultivate a *small spot* of the *public land* for *his own use.*—But, to whom would he make this application?—To the chief magistrate, surely, who represented the public:—And the chief magistrate would probably demand some compensation or consideration for this indulgence:—Another question occurs:—What was this consideration likely to be?

domestic, trust all the care of their house, *of their land*, and possessions. They themselves loiter."—" You might easier persuade them to challenge the enemy, and to expose themselves to wounds, *than to cultivate the land, and to attend the cares of husbandry:* They refuse to acquire by sweat, what they can purchase with blood."—Such was their practice of agriculture!—" Agri pro numero cultorum ab universis per vices *occupantur*"—does not seem to authorize the word *manuring*, which certainly formed no part of the ancient German husbandry. I question also the following statement, in Doctor G. STUART's *Dissertation concerning the English Constitution*, as a correct translation from CÆSAR:—" And as they alternately relieved each other, the tribe became *expert*, both in war and agriculture."—CÆSAR's words are—" Sic neque agricultura, neque ratio atque usus belli intermittitur."—The *ratio atque usus*, which may authorize *expert*, does not apply to agriculture.

—A por-

A portion, doubtless, of the produce of the land, which at once constitutes rent! But this practice would not immediately become general: the habits of the pastoral tribes, to which they are so strongly attached, would prevent it. It might long be confined to individuals; during which time, the accommodating influence of custom would gradually convert this *acknowledgment* into *a right*. The success of the first cultivators would, doubtless, have the effect of encouraging others, and the receipts of the sovereign would increase with the multiplication of the labourers of the soil, until, *property* having assumed this new form, the influence and authority of the monarch would be established with his riches. The obstacles of habit would gradually give way; and, in situations that were favourable to agriculture, a new generation, or, at farthest, the grand-children of the race that had produced the first cultivators, might be transformed, universally, from a migrating and predatory *pastoral tribe*, into peaceable and stationary *husbandmen*, who paid willingly, and with regulated attention, their annual rent for the lands they possessed, to their acknowledged lord and sovereign: and in this manner might have been originally formed the *rajahs* of Hindostan, and the arbitrary princes of the other states of Asia.[e]

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[e] By conquering and supplanting these petty princes, and assuming the powers which they possessed, the great

empires

The system once established, would stand self-propped by the absorption of *landed property*, and the consequent impossibility of competition or rivalship. A cause which is productive of an universal effect, must be *simple!* The simplicity of the preceding deduction, and its general agreement with history, are the circumstances which may recommend it to the attention of the reader; to whom it is here presented only in the form of a conjecture.

It is true, that in Europe, as well as in Asia, the *pastoral* state of society was at one time generally prevalent. [f] The accounts given by CÆSAR and TACITUS, of the ancient Germans, [g] accord

empires of the East were probably formed. This is verified in the history of Hindostan. See Part II. p.

[f] I have already observed (p. 269, note c), that the Gauls had been in that state. The original inhabitants of England were generally so at the time of CÆSAR's invasion; at least, he says of them: "The greater part of those" (the inhabitants within the country, *interiores plerique*) "never sow their lands, but live on flesh and milk." L. v. ch. x.—The inhabitants upon the coasts, he observes, were Gauls, who followed their own peculiar habits and customs. They might probably, also, have influenced the manners of some of the natives.

[g] "Ancient Germany extended itself over a third part of Europe. Almost the whole of modern Germany, Denmark, Norway, Sweden, Finland, Livonia, Prussia, and the greater part of Poland, were peopled by the various tribes of one great nation, whose complexion, manners, and language, denoted

accord very nearly with those which have been given of the ancient Scythians and modern Tartars; excepting in some few particulars, which may be attributed to the effect of climate. The Germans were, perhaps, more tenacious of their personal freedom, and more peremptory in the assertion of it. They preserved their independence against the disciplined valour of the Roman legions; and, when that discipline relaxed, they conquered Rome itself. In all the other parts of Europe, the tactics of the Romans proved successful in subjugating the native inhabitants; and the *agricultural* state of society seems thereby to have been irregularly and adventitiously introduced into those conquered countries, along with the other customs of a victorious nation that was far advanced in civilization and refinement. [h] In the Roman state, the property of the land was

denoted a common origin, and preserved a striking resemblance." So says Mr. GIBBON, in his splendid history, vol. i. ch. ix. p. 345.—It seems enough, in one word, to say they were all *pastoral tribes*. This circumstance accounts completely for their resemblance and affinity in all respects, except language.

[h] "*Wheresoever the Roman conquers, he inhabits*, is a very just observation of SENECA, confirmed by history and experience. Throughout the empire, but more particularly in the western parts, the most fertile districts, and the most convenient situations, were reserved for the establishment of colonies."—"In their manners and internal policy, the colonies formed a perfect representation of their great parent."—GIBBON's Hist. vol. i. ch. ii.

 vested

vested in individuals, whose proprietary rights were held sacred by an administration which still preserved the forms of a republic. The same principle and the same rights were extended to all their provinces in Europe; which were, at the same time, burdened with the tributary exactions of Rome. Thus, by the fortuitous introduction of agriculture and civilization into Europe, was established a political principle, respecting landed property, that was totally different from the universal practice and establishments of Asia; which, by a natural progress of the pastoral state, matured and transmuted into the agricultural system, became at once the cause and the effect of a despotic, monarchical government. If, in Europe, the pastoral government had not been interrupted by the progress of the Roman arms, and thereby a change of system abruptly introduced, it might, and probably it would, in the course of time, have terminated (as in all the Asiatic countries it had been suffered to do) in the establishment of a despotic monarchy, founded and supported by the gradual and natural adoption of a systematic state of agricultural dependence. [1]

During the lapse of four hundred years, from the time of the Roman conquests in Europe to

[1] The only circumstances which might have counteracted this progress, was the coldness of the climate, and the comparatively barren nature of the soil.

the

the total subversion of the Roman empire, the establishment of individual property, agriculture, and civilization, under a state of subserviency to the officers of the Roman government, was regularly confirmed. The lands were recognized as appertaining to individuals, who complied punctually with the demand of revenue or tribute, for the support of the civil and military establishments of Rome; which were so requisite to enforce the entire submission of the natives, as well as to protect them against external injury. Their minds were thus gradually habituated to thraldom. They laboured for the Romans, and they were also permitted to partake, in some degree, of the fruits of their own industry. They had a partial enjoyment of property; and they soon imitated their masters in the pursuits of indulgence and luxury. [k] Agriculture and the arts flourished among them; which proved, afterwards, the incitements to their pastoral neighbours, whose unremitting habits consisted in those exercises that make soldiers expert in the field, and form them to execute the exploits, and to under-

[k] Tacitus, speaking of the Britons, says: "By degrees, they proceeded to the incitements and charms of vice and dissoluteness, to magnificent galleries, sumptuous bagnios, and all the stimulations and elegance of banqueting. Nay, all this innovation was, by the inexperienced, styled politeness and humanity, when it was indeed part of their bondage."—Life of Agricola.

value the fatigue and the dangers of war. Hence it is, that both in Europe and in Asia, those pastoral tribes have so frequently become the conquerors and the masters of the agricultural and civilized states, against whom nothing but systematic valour, and correct military discipline, could be opposed with effect. To these it was, that the Romans owed their original superiority and success. But with the corruption and abuses, which proved the ruin of that colossal government, these requisites fell into decline. The pastoral nations soon perceived their own superiority. They were in the habit of changing their situation, to occupy better pasturage. What fields could be so inviting as those which the hand of industry had enriched?—The seat of the Roman government itself was successfully invaded. The Romans shrunk from all their foreign possessions, to attempt the defence of their capital. The degenerated native inhabitants of the provinces, now the proprietors and the possessors of the landed property, were thus left by themselves to defend it against the hardy and daring pastoral tribes, who easily overcame so feeble a resistance. All was havoc and devastation!—Repeatedly they invaded and plundered the rich provinces of Gaul. At last, under Clovis, they determined to make a permanent settlement, and, at once, to change their ancient habits. Upon this occasion they acted as the pastoral tribes, under similar circumstances,

have

have always been found to act: after subjugating a civilized people, they adopt the customs and the manners of the conquered nation.

The *pastoral tribes* of Germany found the property of land to be vested in the inhabitants of the Roman provinces whom they had conquered, and they soon became sensible of the advantages that were derived from this new species of individual dominion. They followed the example which they found set before them; and, having seized the lands, they divided them, by the same rule which they exercised in dividing other spoil; [l] making choice of what best suited their desires, and leaving the remainder to the inhabitants who possessed them. [m]—I am aware that this is not the common account that is given of the distribution of those conquered lands, by authors in general; who, contrary to consistency and truth (as far as facts can attest truth), make

[l] "The booty gained by an army, belonged to the army. The king himself had no part of it, but what he acquired by lot." Hist. of CHARLES V. vol. i. Proofs and Illustr. N. VII. p. 212. q. e.—"It appears from the authorities produced by him (WACHTERUS), and by DU CANGE, Voc. *Sors.* that the northern nations divided the lands which they had conquered, in this manner" (by lot).—Ibid. N. VIII. p. 226.

[m] "The Franks acted with the same moderation as the Burgundians: they did not strip the Romans wherever they extended their conquests. What would they have done with so much land? They took what suited them, and left the rest."—Spirit of Laws, b. xxxi. ch. viii.

men, who were highly jealous of their personal rights, which they dared to assert in the face of royalty and military command, and against the will of the chief magistrate himself, [n] at the very same period of time yield up the whole of the lands which they had conquered, to his implicit disposal, or to the assumptions of their chiefs, or generals, who, by portioning them out, are said to have made the *free-born men* (by whom they were themselves elected to command) their humble vassals, and dependents. [o] Such are the state-

[n] When CLOVIS was in the progress of his conquest of Gaul, his army "having plundered a church, carried off, among other sacred utensils, a vase of extraordinary size and beauty. The bishop sent deputies to CLOVIS, beseeching him to restore the vase, &c."—"CLOVIS desired the deputies to follow him to Soissons, as their booty was to be divided in that place, and promised that, if the lot should give him the disposal of the vase, he would grant what the bishop desired. When he came to Soissons, and all the booty was placed in one great heap in the middle of the army, CLOVIS *entreated*, that, before making the division, they would give him that vase over and above his share. All appeared willing to gratify the king, and to comply with his request, when a fierce and haughty soldier lifted up his battle-axe, and, striking the vase with the utmost violence, cried out with a loud voice, *You shall receive nothing here but that to which the lot gives you a right!*" ROBERTSON, *ut supra.*—Were those the men who would allow the king and the generals to seize all the conquered lands?

[o] "In the same assemblies" (the national assemblies) says TACITUS, "are also chosen their chiefs, or rulers."—"In

statements of historians, to support the generally-received opinion, *that the feudal system was brought into Europe by the pastoral tribes*; that is, that the disposal of *land* for *military service*, was the practice of a people among whom land was not property at all; which, therefore, it was impossible for them thus to have bartered. The respectability of the names of those who have sanctioned this opinion, makes it a species of treason, in the court of criticism, to call it in question. The learned SELDEN, [p] and the truly great MONTESQUIEU, are giants in literature, with whom a man of very inferior stature must not dare to contend! I wish, however, that the critics would be prevailed upon to attend less to the *men*, and more to the *matter*; that they would lose sight of the *person*, and give ear to the *argument*. [q] Let it be considered,

" In the choice of kings, they are determined by the splendour of their race; in that of generals, by their bravery." Ibid.—These were the men, whom historians represent as receiving only the portion of lands which those kings and generals were pleased to allow them; for which their independence was to be bartered!

[p] " Mr. SELDEN was a person of vast industry, and his attainments in most parts of learning were so extraordinary, that every thing that came from him was always highly admired. Though, I must confess, I cannot think he was that great man in our English antiquities, which some have taken him to be."—NICOLSON's Eng. Hist. Libr.

[q] I am led into this reflection by having observed, in a certain review, a condemnation of an author, upon this very subject,

dered, that, since the time when SELDEN and MONTESQUIEU wrote, a great deal of new light has been thrown upon this subject by intelligent men, from the evidence of recorded facts. I allude particularly to the observations of the Abbé DE MABLY upon the history of France. Neither were the effects produced by the state of property then fully or adequately considered. It is true, that an eloquent and very popular historian has decided against the Abbé DE MABLY upon this historical question, whose judgment must be examined before it can be refuted. In the previous part of the work, to which this was meant to have been a supplementary addition, the present subject has been very fully discussed; and a reference to that discussion, is all that here would have been necessary: but, by this separate publication, I am obliged to transcribe, or re-state, an investigation, which properly belongs to the history of Europe. [r]

The

subject, for no other assigned reason, but that what he had affirmed was contrary to the opinion of the *learned* SELDEN. The learned SELDEN might perhaps have been induced to alter his opinion; but no such effect can be produced upon critics, whose criterion of right rests upon the bare assertion of another.

[r] "The history of the English constitution combined with the history of the French monarchy," stands little chance of being obtruded upon the public; since its publication must depend upon its degree of merit in the estimation

of

The great increase of power which was acquired by all the different kings in Europe, who had originally been the limited chiefs of warlike and independent *pastoral tribes*, habitually jealous of their personal liberty, is admitted by all historians; but it is accounted for by none. They agree, that those chiefs had originally a very restricted authority; and, immediately after, they state the extensive effects of their power. But the progress of this change is left to the imagination of the reader. It forms a chasm in history. The celebrated historian of the emperor CHARLES the Fifth, in his View of the State of Europe, introductory to that history, passes directly from the conquests of the barbarians, to the complicated operations of the *feudal system*; as if the simple pastoral chief, who had no previous knowledge of the property of land, should have at once become the great monopolizer of landed property; or, as if the independent followers of his standard, who, in the distribution of booty, tenaciously confined his pretensions to what the lot should determine, would tamely acquiesce in the disproportionate appropriation, and capricious distribution, of the lands which they had conquered. History next informs us how the monarchs were divested of that authority (which we know not how they acquired),

of a bookseller; by whom the author thinks it will be found deficient. A work of investigation, even if well executed, is not likely to become popular.

quired), by the innovating power of the aristocracy. These points were common to the different kingdoms of Europe; and the history of one applies to all: in each, the same cause will be found to have produced the same effect. It is therefore immaterial, whether the history of England or of France be employed to solve the difficulty. An attention to them both, may contribute to the illustration and developement of truth.

In vain may we consult such histories as are made up of the details of sieges and battles, which form an amusement for children, of all growths and ages; like the games which consist in knocking down men, and setting them up again. Even the more enlightened inquirers, who patiently examine into obsolete laws and institutions, for the discovery of facts that may lead to the elucidation of history, have failed in the result of their researches upon this occasion. The *cause* for which they sought, though hid from their view, was immediately at hand, and would easily have been attained, by adverting to the obvious effects which *property* produces upon society. It was the adoption of *landed property* that changed the nature of those independent *pastoral tribes*, by introducing inequality of rank among them; by dividing them into the contending classes of *property* and *persons*; by giving them different political views and interests, which excited mutual

jealousy

jealousy between them, and induced both parties (each for its own special purposes) to increase the power of the monarch, who was, before this change took place, the sole object of their jealousy. With the acquisition of power in the crown, the means of increasing that power was acquired. The society was no longer in the circumstances peculiar to the *pastoral tribes*; the system of equality was at an end; *property* had made distinctions which claimed attention; and the territorial acquisitions of the sovereign increased proportionably to the augmentation of his influence and authority. These causes and effects would have a natural progress, which certain occurrences might accelerate. The prosecution of war, and the acquisition of new territory, in which a very different rule of division would now take place, from what was customary among the roving tribes of Germany, would greatly hasten the changes in the relative situation of the different members of the society, and particularly in the power and wealth of the sovereign. Such is the general combination of incidents which may fill up the chasm that historians have left void. It remains to examine, how far they may be found to tally and agree with the facts and circumstances which history has recorded.

The enlightened MONTESQUIEU, and the investigating Abbé DE MABLY, have bestowed much attention upon the early part of the French

history,

history, and have effectually removed the errors which were derived from inventive ignorance. But, from not being aware of the alteration which is almost immediately produced by the acquisition of *landed property*, they seem to be embarrassed in accounting for the changes that took place among the Franks in their new situation. It was found by these intelligent inquirers, that portions of land had early been given by the French monarchs to individuals among their subjects. It was also found, that, at an after period, such gifts were bestowed, under certain conditions of vassalage and military service; and to this last mode of investiture, the name of *fief* has since been applied. The Abbé DE MABLY makes a clear distinction between those two modes of donation. The first he calls a *benefice*, without any stipulation for service, which he distinguishes from what is properly called a *fief*. [s] MONTESQUIEU

[s] I transcribe what he says on these subjects: Les rois merovengiens "donnerent quelque portion de leur domaine même; et c'est ce que nos anciens monumens appellent *bénéfice* ou *fise*; et que quelques écrivains modernes ont eu tort de confondre avec les possessions qu'on a appellées depuis des *fiefs*." Obs. sur l'Hist. de Fr. L. i. ch. iii.—"Les dons que les fils de CLOVIS avoient faits de quelques portions de leurs domaines, n'étoient que de purs dons, qui n'imposient aucun devoir particulier et ne conferoient aucune qualité distinctive, &c. Les bénéfices de CHARLES MARTEL furent, au contraire, ce qu'on appela depuis des *fiefs*, c'est-à-dire, des dons

TESQUIEU also makes a distinction between them, but considers them both as *fiefs*; the *old* and the *new*. [t] With respect to this word *fief*, upon which so much has been said, and so much inferred, it is certain that it never was at all applied, in ancient times, to the *beneficia* of the first race, nor even to those of the second (which, in effect, were unquestionably *fiefs*), until after the reign of CHARLES the Simple, who died A. D. 929: and it is equally true, that the word *vassal* never was applied to the persons who held the first *beneficia*. The grants of CHARLES MARTEL first constituted *vassalage* in France, and to them the word was first applied. These facts are established by DU CANGE, in his dictionary, at the words *feodum* and *vassus*. Yet MONTESQUIEU, and after him,

dons faits à la charge de rendre au bienfaiteur, conjointement ou séparément, des services militaires et domestiques."—Ibid. ch. vi.

[t] I also transcribe what I find in the Spirit of Laws upon this subject: "If I can shew a time in which there were no longer any *benefices* for the army, nor any funds for its support, we must certainly conclude that the *ancient benefices* had been alienated. The time I mean, is that of CHARLES MARTEL, who founded some *new fiefs*, which we should carefully distinguish from those of the earliest date." B. xxxi. ch. vii.—"This shews that a new usage had been introduced after the treaty of Andely, whereby the freemen were become capable of this great privilege. This must have happened when CHARLES MARTEL, after distributing the church-lands to his soldiers, partly in fief and partly as allodia, made a kind of *revolution* in the feudal laws."—Ibid. ch. xxiii.

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all the modern writers upon the *feudal system*, apply *fief* and *vassal*, indiscriminately, to the *beneficia* and the *beneficiaries* of the *first* and *second* race of kings, and thereby confound all distinctions. It is amusing, after the knowledge of these particulars, to observe our gravest writers establishing the antiquity of *fiefs* upon the etymology of the word *feod*. [u]

[u] "These allotments were called *feoda*, fueds, fiefs, or fees," says Sir WILLIAM BLACKSTONE; "which last appellation, in the northern language, signifies a conditional stipend, or reward." Com. vol. ii. ch. iv.—A learned note is given to illustrate this remark; the substance of which I shall transcribe. *Odh* signifies *proprietas* and *all totum*. Hence *odhal* right in those countries. "Now, the transposition of these northern syllables, *allodh*, will give us the true etymology of *allodium*, or absolute property of the feudists; as, by a similar combination of the latter syllable with the word *fee* (which signifies a conditional reward, or stipend), *feeodh*, or *feodum*, will denote stipendiary property."—All this may be true; but it appears likewise to be true, that this word *feod*, did not come into use in France till after the reign of CHARLES the Simple. * Mr. WHITAKER says: "The appellation *feod* signifies, literally, *glebe*, or *land*, in the original language from which it is derived to us."—The reader may choose, between the two derivations, which pleases him best.

* In the proofs to Dr. ROBERTSON's history, I find the following remark upon this subject: "MURATORI observes, that the word *feudum*, which came to be substituted in place of *beneficium*, does not occur in any authentic charter previous to the eleventh century." N. VIII.—Upon the etymology of the word *allodium*, he differs from BLACKSTONE. "*Alode*, or allodium," says the historian, "is compounded of the German particle *an* and *lot*, i. e. land obtained by lot."—WACHTERI Gloss. German. voc. allodium.

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The historian of CHARLES the Fifth appears to me to decide in a style rather too peremptory, between the opinions of MONTESQUIEU and DE MABLY, in favour of the doctrine of *fiefs*; which agrees with his own direct and immediate transition from the *pastoral establishment* to the *feudal system*; that is to say, from a state where the monarch possessed no landed property at all, to a state wherein he is supposed to be the lord and master of the whole. I transcribe the passage alluded to: "But, upon comparing their proofs, and reasonings, and conjectures, it seems to be evident, that, as every freeman, in consequence of his allodial property, was bound to serve the community, under a severe penalty, no good reason can be assigned for conferring these beneficia, if they did not subject such as received them to some new obligation. Why should a king have *stripped himself* of his domain, if he had not expected that, by parcelling it out, he might acquire a right to services to which he had formerly no title?—We may then warrantably conclude, that as allodial property subjected those who possessed it, to serve the community, so beneficia subjected such as held them, to *personal service* and fidelity to him from whom they received those lands."—The learned historian has herein given us the chain of reasoning that induces him to form his decision; which we are at liberty to examine. I agree with him, in thinking that *some good reason*

 ought

ought to be given, for a king assigning a part of his domain, as beneficia, to individuals (*stripping himself of his domains*, seems rather too strong language, when applied to assignments which could be resumed at pleasure); but I do not agree with him, in thinking that *military service* was the only return that could be made for such assignments. I rather think, from the statements of history, that *personal*, or *military service*, could not be the return which was either expected or received; because this return was peculiar to the *beneficia* which CHARLES MARTEL instituted; which, we are told, differed essentially from those of the Merovingean kings. Now, according to Dr. ROBERTSON's conclusion, there was no sort of difference whatever between them; on the contrary, he seems to infer, that, as *military service* was required for *land*, by CHARLES MARTEL and his descendants, therefore *military service* must have been required likewise for the *beneficia* of the Merovingeans; but, taking into consideration the fact, that those *beneficia* were essentially different from one another, the very reverse ought to be the conclusion. I am therefore clearly of opinion, from every circumstance stated by history, that the object of the *beneficia* of the first race of kings, was to acquire an ascendancy or a direction of the *champs de mars*, or national assembly, by whose authority the whole national force was disposed of, and with which the king could act in what manner

ner he thought proper. What better reason could the historian have wished ?—And this explanation tallies perfectly with the *rigour* of the first kings, in exacting the *herebannum* from the free soldiers who failed in their attendance, when summoned to the field ; which this very author insists upon and exemplifies, in the identical note from whence the foregoing quotation is taken. [v] The effect which *landed property* produced upon society, had very much changed the state of things. The *class of property* soon preponderated in the *champs de mars* ; and it was to enable the king to dictate to this assembly, or to supersede it altogether, that the *beneficia* were conferred. The reader must not forget, that the *first beneficia were temporary grants of land, revocable at the pleasure of the donor* : they were, in fact, *pensions*, rather than *donations* ; and they operated as a retaining fee upon the persons who enjoyed them, who were the individuals possessed of greatest influence. [w] Such appears evi-

[v] " This fine," says he, " was levied with such rigour, that if any person was insolvent, he was reduced to servitude, and continued in that state until such time as his labour should amount to the value of the *herebannum*."—This certainly looks as if the kings had placed their sole dependence for service upon those *free soldiers* at that period.

[w] " On a vû," says the Abbé De Mably, " que la plûpart de leudes tenoit de la liberalité du prince des benefices amovibles qu'ils craignoient de perdre, ou ne cherchoient qu'à s'en rendre dignes par des *complaisances*."—L. i. ch. iv.

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dently to have been the effect which those beneficia were intended to produce; and such most certainly was the effect which they actually did produce; as was apparent by the rapid increase of the power of the French monarchy, which very soon supplanted the national assembly altogether; [x] by which the complete authority of that assembly came to be vested in the monarch; who, under such circumstances, stood in no need of the *personal services* of individuals. Totally different were the circumstances which gave rise to the *second beneficia*, which were real *fiefs*. CHARLES MARTEL was not the king of France; and yet he wished to supplant the reigning family, and to substitute his own family in their place. He had the allegiance of the nation to contend against. Here was a pressing call for *personal services*, to counteract *public duty*. Accordingly, the means which he employed, was to attach individuals by the gift of lands, for which he exacted the obligation of *vassalage*, or *personal* and *military service*, to himself and to his family: and, on

[x] The following is the Abbé DE MABLY's statement upon this head: "Il n'est pas necessaire que je m'étende à donner les preuves de cette première revolution tous nôtres historiens convenant que le champs de mars ne fut plus convoqué regulierement sous le petits fils de CLOVIS."—"Je me contenterai de remarquer qu'il faloit que l'idée même des assemblées generales de la nation fût deja bien oubilée sous le regne de CLOTAIRE II."—Remarq. et Pr. l. i. ch. iii.

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this account, the beneficia, or fiefs, which he granted, descended to the children of those who received them, and were binding also upon them. [y] The effect produced by this innovation, was a complete revolution in the monarchy; which, by *this* means alone, was transferred from the *Merovingean* to the *Carlovingean* race; a circumstance of sufficient notoriety and magnitude, one would think, to have established this institution as unprecedented in France.

The *feudal system* is a subject which has employed the pens of the most eminent historians of

[y] We have the authority of MONTESQUIEU for this circumstance, b. xxxi. ch. xiv. "I shall not pretend to determine whether CHARLES MARTEL, in giving the church lands in *fief*, made a grant of them for life, or in perpetuity. All I know is, that, under CHARLEMAGNE and LOTHARIUS I., there were possessions of this kind, which descended to the next heirs, and were divided among them."—This establishes the fact, and the reason is obvious: it was necessary for CHARLES MARTEL to attach the successors, as well as the persons who immediately received his beneficia, because they were intended to produce an effect upon their heirs in favour of his heirs; which effect they certainly did produce. But when the rights of the monarchy were confirmed in his family, CHARLEMAGNE corrected this defect. The *beneficia* which he granted (infinitely more numerous than those granted by any other king, for his conquests were infinitely greater), which were all *fiefs*, were only for life. So that, in fact, and very contrary to the reiterated account which is given by writers, who copy from one another, the first real *fiefs* in France were *hereditary*.

the present age; and yet it appears to have been defectively explained, and, in particular, to have been traced to an erroneous origin. The herd of writers, like all other herds, generally follows a leader; and, upon this occasion, the respectability of the person who has misled them, is the best apology for their error. The intelligent MONTESQUIEU (because he could find it no where else) has sought for the origin of the feudal system among the German tribes. [z] His followers have been satisfied that he found it there, and have trod in his footsteps. But one attentive observer has dared to look with his own eyes, and to explore the subject with accurate minuteness; and he has clearly pointed out the mistakes into which the great MONTESQUIEU had fallen. There is, indeed, a candour, as well as a modesty, in the discussions of MONTESQUIEU, which invite to inquiry, and lead to the detection of error. His first mistake arose from confounding the *beneficia* of the first French monarchs with the

[z] "Thus," says he, "among the Germans there were *vassals*, but no *fiefs*; they had no fiefs, *because their princes had no lands to give*; or rather, fiefs consisted in horses trained to war, in arms, and feasting. There were vassals, because there were trusty men who were bound by their word, who were engaged to follow the prince to the field, and performed very near the same service as was afterwards performed by fiefs." Spirit of Laws, b. xxx. ch. iii.—According to this definition of feudal vassals, was there ever a kingdom in the world without them?

after

after institution of *fiefs:* and out of this error sprung another—to search for the origin of these *imaginary fiefs* among the *pastoral tribes.* He was aware of the absurdity of tracing the donation of land to a people among whom land was not property; and, therefore, he makes the *fiefs* of the German chiefs to have consisted in the presents of *arms*, and *horses*, and *dinners*, which were given by them to their *comites* or *ambacti*, the *antrustiones* and *leudes* of the Franks, who had taken the oath of fidelity. The *oath of fidelity*, which existed among the Germans long before the possible existence of *beneficia*, was a ceremony that conferred a rank of personal nobility, or a distinction in the society which might be so styled, upon the persons who were admitted to take it; who thereby became the confidential and trusty friends of the prince, without any stipulation for gratuity or reward. [a] But supposing the contrary to have been the case, and that the *comites* bound themselves to serve with fidelity, for horses, arms, and dinners, this would be no more an establishment of *fiefs*, than is the custom at present, of giving

[a] Mr. Gibbon remarks, that the authority of Tacitus himself is against the construction which Montesquieu has put upon the presents of the chiefs to their *ambacti:* "Gaudent muneribus, sed nec data imputant, nec acceptis obligantur."—It must, however, be admitted, that this remark is made when he is treating of the general hospitality of the Germans towards strangers.

pay and arms to the European troops. [b] It must further be observed, that after the institution of the first beneficia had taken place among the Franks, the oath of fidelity was equally taken by all the *Leudes*, whether these gifts of land were conferred upon them or not, and continued to be the peculiar distinction of the order, without any regard whatever to their possessing, or not possessing, the beneficia. [c]

The allegation, of *fiefs* having been introduced into the European states by the *pastoral tribes* from Germany, is regarded by authors in general as an incontrovertible fact—a *datum* which cannot, or must not, be contested; and different

[b] " Nos solats sont donc aujourd'hui des vassaux de la louronne ; leur engagement et leur paye sont donc des *fiefs*."—A. De Mably.

[c] The Abbé De Mably quotes from an ordinance which was published by the assembly at Paris, in the year 615, the following passage ; " Quæ unus de fidelibus ac leodibus, suam fidem servando domino legitimo, interregno faciente, visus est perdidisse, generaliter absque aliquo incommodo de rebus sibi juste debitis præcipimus revestiri." Art. 17.—Upon which he remarks : " Si les bénéficiers du prince avoient eu à remplier quelque devoir qui ne fût pas commun à tous les leudes, l'ordonnance en auroit sans doute parlé. Il n'est question que de garder sa foi ; et on ne trouve rien dans les monumens de la première race, qui invite à croire qu'un leude prêtât un nouveau serment lorsqu'il étoit gratifié d'un bénéfice, ou qu'il contractât quelque nouvelle obligation, soit à l'égard du service militaire, soit à l'égard du service domestique dans le palais."—Remarq. et Pr. l. i. ch. iv.

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theories have, in consequence, been invented, to reconcile the incongruities that are inseparable from it, and to account for impossibilities. It is surprizing, says Dr. GILBERT STUART, in a note to his *Dissertation concerning the Antiquity of the English Constitution*, "how a writer so profound and penetrating as MONTESQUIEU, could find fiefs in the war-horses and frameas which the German princes bestowed on their retainers, and thence imagine that retainers were the vassals of princes. If military service had been the customary and requisite return for such gifts, fiefs must have been common to every warlike people. But this opinion is not peculiar to MONTESQUIEU. PASQUIER has given an account of one very like it, which its author seems to have supported very ingeniously. The other notions on the rise of feuds, are still, perhaps, worse founded. The reader may see them in CRAIG, l. i. in SPELMAN, V. *feodum*, and in the crowd of authors who write on this subject"*—As Dr. STUART has thus asserted the insufficiency of every other explanation of the origin of *feuds* in the *pastoral tribes* (in which all who investigate the subject must agree with him), it remains to examine what he himself has proposed, to solve this difficulty. He allows, that when land was not property, it was impossible that it could be given by princes for military service. But still he affirms,

* Page 73, note.

that

that *feuds*, or *fiefs*, existed among the *pastoral tribes*. To establish this point, he observes, that, among the Germans, one nation often subdued another, and, he says, that the conquered nation was in a state of vassalage to the victorious nation. His words are: "While land was yet the property of states, tribes were the vassals of tribes." This state of *vassalship* seems to have been constituted in the following manner: when one tribe got the better of another in war, if the vanquished were permitted to remain in their own country, and required to aid the superior state in their future wars; this the author calls giving *land* for *military service*; which establishes a *fief*. The reader will perceive, from this statement, that the Romans were a *feudal nation*; for it was their constant practice, when they had conquered a country, to suffer the vanquished to retain the possession of it, and to require of them military aid, in support of their future warlike enterprizes. But, after having established this ideal system of *national feuds* in Germany, how does the author convert them into *personal feuds* out of Germany? It does not appear to me, that the one establishment has the least affinity to the other; for the misapplication of the word *feud*, has not the effect of producing any real connection between them; nor, by this conceit, does the original difficulty seem to be in the smallest degree removed. He says: "In this situation, military men, *in love with*

with the virtues of their princes, and yielding them, during war, an unlimited submission, were induced, *by the easiest transition*, to consider them as representing the *states* and *nations*. Land which formerly belonged to *communities*, was now vested in leaders; and grants of territories, which tribes at first bestowed on one another, flowed to *individuals!** The reader who can be satisfied with this account, would not, I think, have disapproved of any of those which Dr. STUART has condemned. [d]

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* Ibid. p. 78.

[d] The only comment to be made upon this hypothesis of Dr. STUART'S, is, that a man may be quick-sighted in detecting the absurdities of others, who is altogether blind to his own. I have been completely disappointed in the perusal of this book, the author of which I have heard extolled for great knowledge and erudition. Whoever attempts to explain the constitution of England, must minutely attend to the progressive changes which it underwent, and mark the different æras of those changes. Dr. STUART does not follow this plan; but takes a wide view of a period of more than a thousand years, and quotes, at the same time, from CÆSAR and TACITUS, and from the history of the Anglo-Saxons and Anglo-Normans, for establishing the same points; periods in which the manners, customs, and government of the English, were as different as the manners, customs, and government of distinct nations can be from one another. With such a jumble of authorities, an author may establish any thing—or rather, he ought to establish *nothing*. In fact, most of the writers upon ancient feuds, follow a good deal the same plan, and reason retrogressively; drawing inferences from the reign of

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It seems proper next to examine the statement which has been given and received, as the history of the introduction of feuds into Europe, although so irreconcileable to consistency; a compressed account of which will be found in the Law Commentaries of the judicious BLACKSTONE; [c] and a deference to so prevalent an opinion, seems to have induced an eminent historian to depart from the statement of facts he has given in his *Proofs* and *Illustrations*, to weave it into the web of his history. "The constitution of feuds," Sir WILLIAM BLACKSTONE affirms, "had its original from the military policy of the northern or Celtic nations—who poured themselves in vast quantities into all the regions of Europe. *It was brought by them from their own countries*, and continued in their respective colonies, as the most likely means to secure their new acquisitions; and to that end, large districts or parcels of land were allotted by the conquering general to the superior officers of the army, and by them dealt out again in smaller parcels or allotments, to the inferior officers, and most deserving soldiers.—These allotments were called *feoda*, feuds, fiefs, or fees; which last appellation, in the northern

CHARLEMANGE (after the establishment of real fiefs) which they apply to the earlier periods of the French history, when *fiefs* had no existence.

[c] As a commentator upon the Laws of England, certainly deserving of this epithet.

languages,

languages, signifies a conditional stipend." * The reader will observe, that the circumstance which props the whole of this affirmation, is the author's assertion, that districts of land allotted by the generals to the officers of the army, and by them dealt out to the inferior officers, and most deserving soldiers, was a custom *brought by them from their own countries*. Now, nothing in history can be more clearly ascertained, than the impossibility of this assertion being true. We know for certain, that in their own country, land was not property at all, but *common*; and that, therefore, it could not be so distributed. So that this prop having proved unsubstantial, the whole superstructure must fall to the ground: and it appears hardly necessary to attend any farther to what is advanced on this subject, by the learned commentator on the laws of England. The name of BLACKSTONE, however, makes whatever he has written deserving of attention. "Scarce had these northern conquerors" (continues he), "established themselves in their new dominions, when the wisdom of their constitutions, as well as their personal valour, alarmed all the princes of Europe; that is, of those countries which had formerly been Roman provinces, but had revolted, or were deserted by their old masters, in

* See the learned Note upon this passage, transcribed, Note [°] page 288.

the general wreck of the empire. Wherefore most, if not all of them, thought it necessary to enter into the same or a similar plan of policy. For, whereas, before, the possessions of their subjects were perfectly *allodial (that is, wholly independent, and held of no superior at all)*, now they parcelled out their royal territories, or persuaded their subjects to surrender up and re-take their own landed property, under the like feudal obligations of military fealty." As there is no sort of reference to dates in this passage, there is some difficulty in applying it to the history of Europe, or rather, the history of France, to which it seems particularly to allude. The expression—" Scarce had these northern conquerors"—is altogether indefinite :—it may apply to a *few years*, or to a *few centuries*; for authors looking backwards to very distant periods, make nothing of a hundred years. The exchange of *allodia* for *fiefs*, we know, happened at the close of the Carlovingean race, after the reign of CHARLES the Bald, who died A. D. 877, about *four hundred years* posterior to the conquest of France by the *pastoral tribes*. *Allodia* were, indeed, exchanged for the *beneficia* of the first race (which were not *fiefs*), so early as the accession of CLOTARIUS the Second, to the united monarchy of France; upon which occasion they were rendered hereditary, and of course wrested from the crown (A. D. 615), about

about a *century* posterior to the conquest, [f] and probably they may be here meant by this author; but this was not effected by the *persuasion* of the king; it was done at the solicitation of the land proprietors themselves. [g] One point, however, from

[f] " La célèbre assemblée que les evêques & les leudes, ennemis de Brunehaud, tinrent á Paris, en 615, décida irrévocablement la question de l'hérédité des bénéfices, & légitima les droits que les seigneurs avoient acquis dans leurs terres."—In his Remarks and Proofs, upon this passage the author observes—" On ne peut douter que ce ne soit à cette époque que les bénéfices devinrent incontestablement héréditaires; et l'ordonnance de Paris, fut aussi respectée que le traité d'ANDELY l'avoit été peu. Tout préparoit les esprits à cette révolution; & l'assemblée que CLOTAIRE II. tint à Paris, étoit l'occasion la plus favorable aux intérêts des leudes. Ce Prince étoit-il en état de pouvoir leur refuser quelque chose?"—Obs. sur l'Hist. de Fr. l. i. ch. iv.

[g] When the *first beneficia* ceased to be resumable, as they conferred peculiar privileges, and a higher degree of rank in society, all proprietors of land coveted them. The Abbé DE MABLY regards this as the *epocha* of hereditary nobility in France. I shall transcribe here, what I have elsewhere written upon this subject, as it will be intelligible to all readers; referring those who wish for fuller information, to the 5th chapter of the first book of the Abbé DE MABLY's Observations. — " Previous to this revolution (which the treaty of ANDELY introduced, and the settlement of CLOTHARIUS II. confirmed), nobility was personal in France, and only existed, as it is described by TACITUS, among the Germans, from whom it had its origin; being conferred by taking the oath of fidelity to the Prince. But after

this quotation from BLACKSTONE, seems to establish—that the landed possessions of all the previous inhabitants of the country were *allodial*; as, on the other hand, he supposes all the lands which the conquerors possessed to have been *feudal*. Let us now observe, how this statement agrees with the statement of facts given by Doctor

after this hereditary and permanent distinction had taken place in the society, which depended solely upon birth, and not upon merit, nor the will of the prince, the other became only secondary, and soon sunk into total insignificance; so that it conferred no degree of distinction whatever, and was at last indiscriminately taken by all orders of the society, under the form of the *oath of allegiance*. Immediately upon this change taking place, those proprietors of land who were not possessed of *beneficia*, found themselves degraded from the rank they had formerly held in the community, by the pre-eminence that was now attached to the possession of *hereditary beneficia*; and, to attain this pre-eminence, and rise to the level of those whom they had formerly considered as their equals, they had recourse to the extraordinary expedient of having their real property, or *allodia*, converted into *beneficia*, by surrendering it to the king, to be restored again to them in this new form."—This last circumstance I shall state in the words of the Abbé DE MABLY, to shew the authority for my own statement.—" Leur jalousie fut extrême, et pour satisfaire leur orgueil allarmé, il fallut avoir recours à une de plus étrange bizarrerie dont parle notre histoire: ce fut, ainsi que nous l'apprend MARCULFE, de changer ses *propres*, ou, comme on parloit alors, son *alleu*, en benefice; c'est-à-dire, que le propriétaire d'une terre la donnoit au prince, qui, après l'avoir reçue en don, la rendoit au donateur en benefice."

ROBERT-

305 to 320 page missing in book

fication that afterwards entitled him to be a member of the *champs de mars*, or national assembly. We know that five hides of land formed this qualification among the Anglo-Saxons. Upon the division of the conquered lands among the German tribes, the shares of all the freemen would be alike; and that portion which was the allotment of each, would afterwards be regarded as the distinguishing mark of a *freeman*, and the requisite qualification of a member of the national assembly, or, what was called among the Anglo-Saxons, the *wittenagemote*. This circumstance explains many particulars in the ancient history of Europe, which were common to all the different states composing it, who, at that time, were governed by the same customs and the same laws; namely, the laws and customs which had existed among the German tribes. [v] Men, and even intelligent men, are very often misled by names. We have seen that *fiefs*, or *feuds*, was not the name given by the immediate descendants of CHARLES MARTEL to his institutions, which were afterwards distinguished by this appellation. For near two centuries, they continued to be called *beneficia*. After the reign of CHARLES the Simple, they took the name of *fiefs*, or *feuds*, when their nature had become very materially

[v] In particular, it explains the reason of a *freeman (liber homo)*, being a man of landed property to a regulated amount.

 changed.

changed. But historians and antiquaries could easily trace them back to the reign of CHARLEMAGNE, where they found them regulated by his capitularies: and, because *real fiefs* had been denominated *beneficia*, they concluded that *beneficia* must always have been *real fiefs*. *Beneficia* were, literally, grants of land: the first sort were *unconditional*, but *resumable*, grants; the second sort were, in like manner, grants of land, and were therefore called *beneficia*; but they were *conditional* grants; and they were not resumable, but by a breach of the stipulated conditions. In the reign of CHARLEMAGNE, the evidence, both of the *Germanic* and the *feudal* government, is to be found; and there are abundant proofs that the former had pre-existed, even previously to the æra of the conquest. From this circumstance it seems to be concluded, without any proofs, that the latter must also have existed by the same means, and during the same period of time. But the fallacy of such conclusions need not be further insisted upon. [w]

I now come to my third quotation from the Commentaries of BLACKSTONE, to shew what he says upon the introduction of *fiefs* into England, which ought certainly to accord with what he had before said upon their introduction on the Con-

[w] Dr. STUART's Dissertation rests almost entirely upon such quotations and such conclusions. In that work, dates never seem to have come into the view of the author.

tinent.

tinent. How far it does so, the reader shall judge. "But this feudal polity," observes this author, "which was thus, by degrees, established over all the Continent of Europe, seems to have been received in this part of our island, at least not universally, and as a part of the national constitution, till the reign of WILLIAM the Norman. Not but that it is reasonable to believe, from abundant traces in our history and laws, that even in the times of the Saxons, who were a swarm from what Sir WILLIAM TEMPLE calls the same northern hive, something similar to this was in use; yet not so extensively, nor attended with all the rigour that was afterwards imported by the Normans. For the Saxons were firmly settled in this island, at least as early as the year 600: and it was not till two centuries after, that feuds arrived to their full vigour and maturity, *even on the Continent of Europe*." [x]—If *feuds*, or *fiefs*, were introduced by the *pastoral tribes* (the *swarms* from the *northern hive)*, how comes it that this progress towards their vigour and maturity should have occupied two hundred years posterior to their introduction upon the Continent? If feuds had been habitual among those tribes *in their own country* (which is the assertion of this author),

[x] This date agrees with the commencement of the Carlovingean race of kings in France, when real *fiefs* were established by CHARLES MARTEL's descendants. CHARLES MARTEL died A. D. 741. CHARLEMAGNE died A. D. 814.

they

they must have been perfect when they were first introduced, and the progress afterwards would naturally be towards decline, and not towards perfection. But the spreading of the system among the native princes and former subjects of the Roman empire, whom this author represents as the *only allodial* proprietors of land, and who, he says, were persuaded to exchange their *allodia* for *fiefs*, may perhaps be what is here meant by their arrival at *vigour* and *maturity*; implying the *extension* rather than the *improvement* of the system. Admitting this explanation, we must recollect, that, according to the general report of our best historians, it is asserted, that when the Saxons subjugated England, they almost entirely exterminated the native inhabitants [y]; so that very few *allodial proprietors* (according to this author) could have

[y] Mr. HUME says: "The first indvaders from Germany, instead of excluding other adventurers, who must share with them the spoils and property of the ancient inhabitants, were obliged to invite over fresh supplies from their own country; and a *total extermination* of the Britons became the sole expedient for providing a settlement and subsistence to the new planters." Hist. of Eng. vol. i. ch. i.—Upon this subject, Dr. ROBERTSON says: "The ancient inhabitants of Britain were either *exterminated*, or forced to take shelter among the mountains of Wales, or reduced into servitude. Hist. of CHARLES V. b. i. note 4.—Mr. WHITAKER calls the truth of this in question: but there seems tō be no question that the English were much more completely expelled from their territorial possessions, than the inhabitants of the Continent had been.

have remained; and, of course, the whole lands must have been possessed, under *feudal tenures*, by the Saxons, who obtained the entire possession of them, and who were a "swarm from the same northern hive."—Was this found to be the case?—Quite the contrary!—The lands among the Anglo-Saxons are allowed, on all hands, to have been, in general, *allodial property*; and BLACKSTONE himself acknowledges that *fiefs* never were a part of the *national constitution*, till the reign of WILLIAM the Norman."—Is it possible, after the consideration of all these incongruities, to suppose that fiefs were introduced into England by the *pastoral tribes* who subdued this country? I have no hesitation in declaring my firm belief that *fiefs*, properly so styled, and originating in the gift of the crown, never did exist in England at all under the Anglo-Saxon government. What have been so called, were the assumptions which, in the history of France, are termed *seignories*; from which country *feudal* language might have been borrowed, and made use of in England; but this usurped power was so far from having been derived from the crown (as all *fiefs* originally were), that it arose in opposition to it, and in rivalship against it. It was founded upon the accumulation of *allodial property* into few hands, forming *great land-proprietors*, who tyrannized over all the smaller proprietors of land, reducing them to a state of dependence upon themselves; and treat-

treating the persons who lived upon their own territories, not as their *vassals*, but as their *slaves*. In England, it became most prevalent in the reign of EDWARD the Confessor, the last of the Saxon kings, to whom the great land-proprietors hardly acknowledged any subserviency whatever. Their power arose from their independence of the crown. Yet they have been mistaken, by historians, for *feudal vassals*; and the two very opposite states of society, the *seignorial* and the *feudal*, have thus been confounded. [z] One intelligent writer, who, in his luminous work, to which the world is so much indebted for information, throws light on every subject that he touches, illumines this with the following remark: "It is a mistake, to imagine that those territorial jurisdictions" (the powers which constituted *seignories* [a]) "took

[z] A writer of some eminence, upon the subject of the English government, has fixed upon this reign as the æra of the introduction of the *feudal system* in England; that is, he has chosen to derive all power from the crown, during a reign when the authority of the crown was notoriously disregarded by all the great land-proprietors, and even by the earls, who were the king's immediate substitutes, or deputies. It is obvious, that he mistakes the *seignorial* for the *feudal* system.—See MILLAR's View of the English Government.

[a] I transcribe the paragraph to which this alludes, as an explanation of what is meant by *seignories*, in the sense that I have used the word: "Upon the authority which the great proprietors necessarily had in such a state of things over their tenants

"took their origin from the *feudal law*. Not only the highest jurisdictions, both civil and criminal, but the power of levying troops, of coining money, and even that of making bye-laws for the government of their own people, were all rights possessed *allodially* by the *great proprietors* of lands, several centuries before even the name of the *feudal* law was known in Europe."—No less just is the following remark, which occurs in the succeeding page.—" The introduction of the

tenants and retainers, was founded the power of the ancient barons. They necessarily became the judges in peace, and the leaders in war, of all who dwelt upon their estates. They could maintain order, and execute the law within their respective demesnes, because each of them could there turn the whole force of all the inhabitants against the injustice of any one. No other person had sufficient authority to do this. The king, in particular, had not. In those ancient times he was little more than the greatest proprietor in his dominions, to whom, for the sake of common defence against their common enemies, the other great proprietors paid certain respects. To have enforced a payment of a small debt, within the lands of a great proprietor, where all the inhabitants were armed, and accustomed to stand by one another, would have cost the king, had he attempted it by his own authority, almost the same effort as to extinguish a civil war. He was, therefore, obliged to abandon the administration of justice, through the greater part of the country, to those who were capable of administering it; and for the same reason, to leave the command of the country militia to those whom that militia would obey." Book iii. ch. iv. p. 498-9.—Such were seignories, previous to the introduction of fiefs.

feudal law, so far from *extending*, may be regarded as an attempt to *moderate* the authority of the great *allodial* lords."*—The civil and military government of the Anglo-Saxons, therefore, was not *feudal*, but exactly and accurately the same that had existed among the French, under the Merovingean kings, derived immediately from Germany. Let the account given of this by MONTESQUIEU, in his Spirit of Laws, be compared with the accounts which our histories give of the Anglo-Saxon government, and even the improvements which are imputed to the great ALFRED, will be found to have had a previous existence in France. [c] The only difference between

* SMITH's Wealth of Nations, v. i. b. iii. ch. iv. p. 499.

[c] "The counts assembled the freemen, and led them against the enemy. They had officers under them who were called *vicars*; and as all the freemen were divided into *hundreds*, which formed what was called a *borough*, the counts had also officers under them who were called *centenarii*, and carried the freemen of the borough, or their hundreds, to the field. This division into hundreds is posterior to the establishments of the Franks in Gaul. It was made by CLOTARIUS and CHILDEBERT," (sons of CLOVIS) "with a view of obliging each district to answer for the robberies committed in their division; this we find in the decrees of those Princes. *A regulation of this kind is to this very day observed in England.*" (B. xxx. ch. xvii.) English writers give ALFRED the whole credit of it.—The counts, "in order to judge of affairs," (says MONTESQUIEU) "assembled a kind of *assizes*, where the principal men appeared," (Ibid. ch. xviii.) "It is proper

tween them existed in the names. The *dukes* and *counts* of the French, who led the bands of freemen to the field, or presided over them as judges at home, when *fiefs* were unknown, were by the Anglo-Saxons denominated *earls*; who were, in like manner, both the *military chiefs*, and the *civil*

proper to observe" (continues he, in the same chapter) " that the functions of the count, of the *grafio*, or fiscal judge, and the *centenarius*, were the same; that the judges, the *rathemburghers*, and the sheriffs, were the same persons under different names. These were the count's assistants, and were generally seven in number; and as he was obliged to have *twelve persons* to judge, he filled up the number with the principal men." These were the established institutions for the government of the freemen in France, which existed previously to the establishment of *fiefs* by CHARLES MARTEL. They were continued after the establishment of fiefs, and are found in the capitularies of CHARLEMAGNE; because in his reign both *allodial* and *feudal* property were prevalent, and the two systems were combined. The 17th and 18th chapters of the 30th book of the Spirit of Laws, treat of the capitularies which formed this combination; from whence authors, by retrograde reasoning, conclude they had always co-existed. But what respects the counts, applies to *allodial* property, corresponding with the codes of the barbarians; where there is no mention of feudal establishments: and the reader must perceive, that this system for the government of *allodial* property in France, was exactly the same with the Anglo-Saxon government; and, in particular, that the Saxon institution of juries, which English writers seem to regard as an invention of the great ALFRED, had a previous existence in France. ALFRED's merit consisted in adopting, and, perhaps, improving it.

judges

judges in the different *provinces* and *counties* of England. [d] And this system of government continued to be exercised in England, without change, until it was superseded by the *feudal government*, which the first WILLIAM imported from Normandy; transplanting at once into this country, the feudal establishments of France, and they flourished in a much more perfect state here than they did in France; because the authority of the feudal monarch was much more complete.

I have been drawn into this tedious discussion, which here may be reckoned out of its place, by publishing separately this investigation, which was meant to have formed a supplement to another work of higher interest and greater extent; when, these subjects having undergone a previous examination, a reference was all which, in this place, would have been required. But it became absolutely necessary, in this attempt, to account for the opposite, and, at the same time,

[d] In England there was but one denomination for the governors of both in common use, viz. *earl*. In France, they were respectively distinguished by the appellations *duke* and *count*, of whom MONTESQUIEU says—"Both were equally *civil* and *military* officers: the whole difference consisted in the duke's having several counts under him, though there were counts who had no duke over them, as we learn from FREDEGARIUS." Chron. ch. lxxviii. in the year 636:—which date, by the way, corresponds with the reign of DAGOBERT, one of the Merovingean kings.

uniform habits, which, respectively, prevail in two great portions of the earth (Europe and Asia) in respect to landed property and government; to trace the cause of difference in each to its apparent origin, and to free that peculiarity upon which it seems to depend, namely, the proprietary rights of individuals to land, of the errors or mistakes with which it was involved. If I have been successful in my investigation, the natural progress from the *pastoral* state of society to the *agricultural*, must be deemed that, which has been for ever prevalent, and still continues to be uniform in Asia; and the artificial, that state which preceded and has been permanently fixed by the conquests of the barbarians in Europe. But they greatly err, who would impute the existence of this important and peculiar advantage to those barbarians. It had a more splendid origin, and was derived from the previous conquests, and the domination of the Romans; whose government, originally republican, established the sacred rights of individuals, and systematically protected them: and these rights, when the pastoral tribes found them existing, they ardently adopted and cherished, and extended with their after-conquests. So that, not to the barbarians, but to imperial Rome, is to be attributed the establishment of individual and allodial property of land in Europe; upon the different modifications of which, all the after-

mutations,

mutations, in respect to the extent or the limitation of the monarchical authority, depended. Still, however, I acknowledge that this is merely my conjecture. But the facts upon which this conjecture is founded, both in respect to the general state of landed property and government in Asia, and the changes which have attended them in Europe, I trust, will be found to rest upon the solid basis of truth.

APPENDIX.

No. I.

TRANSLATION OF THE COPY OF A ZEMINDARRY SUNNUD TO CHITUN SING, FOR THE ZEMINDARRY OF BISHENPORE.

BE it known to the mutsuddies of affairs, present and future, to the choudries, canongoes, talookdars, ryots, and husbandmen of pergunnah Bishenpore, &c. (a khalsa mehal*) in sircar Bangush, [a] &c. dependent on Chuck-

* District.

[a] As a sircar, or territorial jurisdiction, this name of *Bangush*, Mr. GRANT affirms, in the Preface to a second edition of his Inquiry into the Nature of Zemindarry Tenures, to be a misnomer, or error of Sir CHARLES ROUSE's, as none such existed in the subah of Bengal; but that the proper denomination of the district meant in the sunnud, is that of *peshcush*, or of tribute, within which, the zemindar of Bishenpore, together with two or three other individuals belonging to the same subah, were classed, as possessing by inheritance, and on the condition of a *tribute*, or quit-rent, some inaccessible lands left unsubdued by the Mogul conquerors; and which, in the present instance, were not completely reduced to the state of *official* zemindarry holdings, subject to the payment of the *whole rents* of the ryots to the sovereign, until the period of the Company's administration, in 1772-3; when acting, no doubt, in their capacity of *dewans* to the emperor of Hindostan, rather than as managers in behalf of the British nation. The circumstance, however, of the misnomer, is of consequence to be remarked; because Sir CHARLES, in his Dissertation on the Landed Property of Bengal, founds, on the solitary case of the zemindar of Bishenpore, whose hereditary and proprietary rights, as a *tributary*, are not to be denied, the argument, or, at least, wishes the inference to be drawn from it, that all other zemindars, whether *official* land-holders or not, pos-

Chucklah * Burdwan, belonging to the subah of Bengal (the paradise of countries), that whereas, agreeably to the furdy sowal † (or paper of request), which has obtained our signature, and a furdy huckeekut (or bond of obligation) in conformity thereto, to which also our signature has been affixed, with the particulars of each specified at large, the *office* of zemindar of the aforesaid pergunnah has been bestowed, agreeably to the indorsement annexed, from the beginning of the year 1187, B. S. to the cream of his peers, CHITUN SING, the grandson of GOPAUL SING, zemindar, deceased, on his consenting to pay the royal peshcush, ‡ &c. of 186 mohurs, and two annas: it is required of him, that, having executed with propriety the duties and functions of his station, he be not deficient, in the smallest respect, in diligence and assiduity, but observing a conciliatory conduct towards the ryots, and inhabitants at large, and exerting himself to the utmost in punishing and expelling the refractory: let him pay the revenue of government into the treasury at the stated periods; let him encourage the body of the ryots in such a manner, that signs of an increased cultivation, and improvement of the country, may daily appear; and let him keep the high roads in such repair, that travellers may pass and re-pass in the fullest confidence and security: let there

possessing under a similar tenure of sunnud, or grant, must necessarily have had the same heritable rights, and conditional property, in their lands, by the constitution and laws of the preceding government, that the rajah-zemindar of Bishenpore enjoyed, until the subversion of those rights and property under the dewanny management of the Company's servants in Bengal. As, in like manner, on another occasion, in the Dissertation, p. 79, Sir CHARLES confounds a simple claim (in the Persian language, *dawy)* of *competition* for a zemindarry holding, with a claim of *right* for the same; though requiring the appropriate Persian terms of *dawy-huk* in the latter sense, according to the author of the Inquiry, in the Preface before-mentioned, page 13.

* Jurisdiction of a fogedar; a military district.

† Petition.

‡ Present.

there be no robberies or murders committed within his boundaries; but (GOD forbid!) should any one, notwithstanding, be robbed or plundered of his property, let him produce the thieves, together with the stolen property; and, after restoring the latter to the rightful owner, let him assign the former over to punishment; should he fail in producing the parties offending, he must himself make good the property stolen: let him be careful that no one be guilty of misconduct in his behaviour, or commit irregularities of any kind: let him transmit the accounts required of him to the huzzoor,* under his own and the canongoe's signature; and, after having paid up the whole revenues completely, at the end of the year, let him receive credit for the muskooraut, † agreeably to usage; and, finally, let him refrain from the collection of any of the aboab, ‡ abolished or prohibited by government.

It is required of the aforesaid mutsuddies, &c. that, having acknowledged the said person zemindar of the abovementioned pergunnah, they consider him as invested with the powers and functions appertaining to that office: regarding this as obligatory, let them not deviate herefrom.

Indorsement on the back of the Sunnud.

Agreeably to the furdy sowal, which has obtained our signature, and furdy huckeekut and mochulkah, in conformity thereto, to which also our signature has been affixed, the *office* of zemindarry of pergunnah Bishenpore, &c. (a khalsa mehal), in sircar Bangush (peshcush), &c. dependent on Chucklah Burdwan, belonging to the subah of Bengal (the paradise of countries), has been granted, from the beginning

* The court of the sovereign.

† Allowances.

‡ Extra assessments, or unauthorized exactions.

ginning of the year 1187, B. S. to the cream of his peers, CHITUN SING, the grandson of GOPAUL SING, zemindar, deceased, on his consenting to pay the royal peshcush, of 186 mohurs and two annas.

Two entire Mehals.

The jummah, agreeably to the accounts signed by the canongoes of the subah, furdy sowal.

The *office* of zemindar of pergunnah Bishenpore, &c. (a khalsa mehal), in sircar Bangush (peshcush), &c. dependent on Chucklah Burdwan, belonging to the subah of Bengal (the paradise of countries), having been bestowed on the cream of his peers, CHITUN SING, the grandson of GOPAUL SING, zemindar, deceased, he has consented to pay the royal peshcush, of 186 mohurs and two annas, and requests that a sunnud may be granted him.

What is your pleasure?
(Subscribed) Let a sunnud be granted.

Pergunnah Bishenpore, in sircar Bangush (peshcush), one mehal,	37,529	4	0	0
Ditto, Shapoor, in sircar Mahdarun, one mehal, - -	96,374	9	1	2
Total jummah, -	1,29,903	13	1	2

Furdy Huckeekut.

Agreeably to the furdy sowal, the particulars of which have been recorded, the *office* of zemindar, &c. (as in the preceding) having been bestowed, from the beginning of the year 1187, B. S. on, &c. (as before), and the aforesaid person having delivered into the dufter the usual mo-

mochulkah and zameny,* requests a sunnud may be granted him.

What is your will and pleasure?—Two mehals.

The jummah, agreeably to the accounts signed by the canongoes, &c.

[Statement as before].

Having taken a mochulkah and zameny, agreeably to usage, let the sunnud be prepared.

Mochulkah.

I who am CHITUN SING, the grandson of GOPAUL SING, deceased, zemindar of pergunnah Bishenpore, &c. &c.

Whereas the *office* of zemindar of the aforesaid pergunnah has been bestowed on me, from the beginning of 1187, B. S. on my consenting to pay the royal peshcush, of 186 mohurs and two annas:

Do, of my free will accord, enter into the engagement and written obligation, that, having executed with propriety the duties and functions of my station, I will not be deficient, in the smallest respect, in diligence and assiduity; but, observing a mild and conciliatory conduct towards the ryots, and inhabitants at large, and exerting myself to the utmost, in punishing and expelling the refractory, I will pay the revenue of government into the treasury, at the stated periods: I will encourage the body of the ryots in such a manner, that signs of increased cultivation, and improvement of the country, may daily appear: I will keep the high roads in such repair, that travellers may pass and re-pass in the fullest confidence and security: there shall be no robberies or murders committed within my boundaries; but (God forbid!) should any one,

* Security.

notwithstanding, be robbed or plundered of his property, I will produce the thieves, together with the stolen property; and, after restoring the latter to the rightful owner, I will consign the former over to punishment: should I fail in producing the parties offending, I myself will make good the property stolen: I will be careful that no one be guilty of misconduct in his behaviour, or commit irregularities of any kind: I will transmit the accounts required of me, under my own and the canongoe's signature; and, after having paid up the whole revenues completely to the end of the year, I will receive credit for the muskooraut, agreeably to usage; and, finally, I will refrain from the collection of the aboab, which have been abolished, or prohibited, by government.

I have therefore given this paper, as a mochulkah (or obligation), that recourse may be had thereto, when occasion shall require, &c.

Zameny (or Bond for Appearance).

I, who am canongoe of Bengal, &c.

Whereas, the office of zemindar of pergunnah Bishenpore, &c. has been bestowed on CHITUN SING, &c.: having become security to government for his appearance, do engage and bind myself, that, in case the aforesaid person should abscond, I will produce him; and, in the event of my not being able to do so, I myself will be responsible for his engagements.

I have, therefore, written these few lines in the nature of a hazer zameny, that they may be called for when necessary.

No. II.

TRANSLATION OF A FIRMAUN CONCERNING THE COLLECTION OF TRIBUTE, ISSUED BY THE EMPEROR ALUMGEER (AURUNGZEBE), IN A. H. 1079, OR A. D. 1668.

TO the trusty MOHAMMED HASHEM, whose hope is in the royal favour—Be it known, that since, by the blessing of the grace and favour of the Lord of the Earth and of the Heavens, whose benefits are great and universal, it has ever been our desire so to guide the reins of inclination in our exalted designs, as to conform to the sacred text—which says, "Of a truth, the Lord commandeth, that you act with justice and with righteousness:"—so is it our earnest wish, in all our arrangements of weight and moment, to follow the laws prescribed by the most excellent of created beings, MAHOMED (upon whom, and upon his posterity and companions, be the sublimest blessings and peace), and by continually revolving in our enlightened mind, "that the earth and the heavens stand firm through justice," perform our devotions towards Providence, and venerate his commands, by shewing pity and indulgence towards our subjects of every degree.

Wherefore, on the present fortunate occasion, we have caused to be issued this sublime mandate, the emblem of justice, in order that the mutsuddies * and aumils † now in office, as well as those who may be hereafter employed in the affairs of the protected dominions of Hindostan,

* Writers, accountants, officers of government.—ROUSE.

† Native collectors, or managers of districts, on the part of government.—ROUSE.

 from

from one extremity to the other, be informed in all points concerning the tribute, as to the quantity and mode directed in the enlightened law of the pure and bright religion. To this edict are subjoined the distinctions which are approved, as being ascertained from good and authentic traditions; and according to which they are to make the collections. They shall not require an annual renovation of this edict; but assure themselves, that any deviation therefrom will make them liable, both to temporal and eternal punishment.

First, They must shew the ryots every kind of favour and indulgence; inquire into their circumstances; and endeavour, by wholesome regulations and wise administration, to engage them, with hearty good will, to labour towards the increase of agriculture; so that no lands may be neglected that are capable of cultivation.

Second, From the commencement of the year they shall, as far as they are able, acquire information of the circumstances of every husbandman, whether they are employed in cultivation, or have neglected it: then, those who have the ability, they shall excite and encourage to cultivate their lands; and if they require indulgence in any particular instances, let it be granted them; but if, upon examination, it shall be found, that some who have the ability, and are assisted with water, nevertheless have neglected to cultivate their lands, they shall admonish, and threaten, and use force and stripes. In khiraj-mowezzeff,* they shall acquire information of the conduct of the proprietors of land, from whom this tribute is to be collected, whether they cultivate or not; and if they learn that the husbandmen are unable to provide the implements of husban-

* Affixed rate of tribute paid in money.—Rouse.——I suppose money-rent.

dry,

dry, they shall advance them money from government, in the way of tekawy,* and take a security.

Third, In kheraj-mowezzeff, if the proprietor of the land, for want of means of providing the implements of husbandry, has been unable to cultivate it, or has deserted, leaving the land uncultivated, they shall either give the land in farm, or allow another to cultivate it (on account of the proprietor); or they shall appoint a person to succeed the proprietor, who shall cultivate the land; and, after paying the tribute, whatever remains, he shall apply it to his own use. When the proprietors of lands shall again have the ability to cultivate them, they shall be restored to them. If a person deserts, leaving his land uncultivated, they shall not give it in farm during the remainder of that year; but, after the expiration of that year, they shall give it in farm.

Fourth, Let them obtain information of the parcels of lands, which, having fallen into disuse, have not been restored to cultivation. If they are situated amongst highways and roads, let them be annexed to the (neighbouring) city or town, that somebody may cultivate them. If they are of other descriptions, let them examine the state of such lands. Provided some part is cultivated, but is not very hopeful, they shall not give molestation on account of the tribute of such lands. If there are but small hopes from the remainder (of bringing it back into cultivation), or if it has been all along uncultivated—in both cases, if that land is proprietary, the proprietor being present, and capable of cultivating it, let them admonish him to cultivate it: but if that land is not proprietary, or the proprietor is not known, let them give it to a person who is capable of cultivating it; then, if the farmer is a Mussulman, and the

* Money advanced by government to the proprietors or cultivators of the land, to assist them under circumstances of distress.—Rouse.

 afore-

MAHARAJA SERFOJI'S SARA

aforesaid land is situated in the neighbourhood of asheree land, let them agree with him for asher (a tenth part of the produce). If it lies near kherajee land,* or the farmer is an infidel, they shall positively exact from him the kheraj (mowezzeff). In a case where (such) kheraj is not proper, they shall, according to the exigency of the occasion, settle a rate for each begah †, which is called kheraj mekettaat, or else settle half of the established share of the produce, which is called mokossimeh.‡ If the proprietor is known, but is totally incapable of cultivating the lands, provided that land heretofore was settled for kheraj mokossimeh, let them act conformably to the directions herein after given. If it was not mokossimeh, they shall not give any molestation for asher, or for kheraj (mowezzeff); but, in case of distress, having advanced him tekawy, they shall make him employ himself in cultivation.

Fifth, If the proprietor of a piece of uncultivated ground be known, let them leave it to him, and not suffer any other to possess it. If the proprietor thereof is not known, and the soil is not promising, they shall, according to the best of their judgment, give it to any one they shall think capable of managing it; and if such an one do properly cultivate it, they shall consider him the proprietor. If the land is capable of particular species of cultivation, and he acts in a manner that prevents such a return from the soil (as might, with proper management, be obtained), they shall hinder him from so doing; and they shall prevent him from enjoying the profits thereof; nor allow any person to possess such land, or to be considered as the proprietor.

* *Kheraj* signifies, strictly, the tribute paid by a conquered country; is also used for revenue in general.—ROUSE.

† About one-third of an English acre.—ROUSE.

‡ A rule of division, or rateable proportion.—ROUSE.

If

If a piece of ground has changed its proprietor, and through his (the new proprietor's) management, become entirely desolate, they shall consider it as belonging to him who possessed it before, and not allow this other to possess it.

Sixth, In a place where neither asher nor kheraj (mowezzeff) are yet settled upon agriculture, they shall act as directed in the law. In case of kheraj (mowezzeff), they shall settle for such a rate, that the ryots may not be ruined by the lands; and they shall not, on any account, exact beyond (the value of) half of the produce, notwithstanding any (particular) ability to pay more. In a place where (one or the other) is fixed, they shall take what has been agreed for, provided that in kheraj (mowezzeff) it does not exceed the half (of the produce in money), that the ryots may not be ruined: but if (what is settled appear to be too much) they shall reduce the former kheraj to what shall be found proportionable to their ability; however, if the capacity exceeds the settlement, they shall not take more.

Seventh, Commutations of mowezzeff mokossimeh are allowable, provided the ryots are satisfied; but otherwise, they should not make such alterations.

Eighth, The season for demanding the kheraj-mowezzeff on every species, is when the harvest is fit for reaping; therefore, from every particular species that shall arrive at that state, they shall take the proportion of tribute (rent).

Ninth, When a field that pays kheraj-mowezzeff suffers a partial injury, they shall make a careful investigation thereof, and shall allow a fair and equitable deduction, according to the degree of injury; and, in taking the tribute from the remainder, they shall do it in such manner,

that the ryots may enjoy a complete half (of what the crop ought to have produced).

Tenth, In kheraj-mowezzeff, whosoever, notwithstanding he possesses the ability to cultivate his own land, and meets with no impediment, nevertheless suffers it to be uncultivated, let them exact the tribute from other means. If, in particular places, from inundation, or from want of rain, before the reaping of the harvest, it suffers such a degree of injury, that the seed thereof doth not come to his hand, and there remain not sufficient time for him to cultivate again that year, they shall consider the tribute to have ceased. But if the injury shall happen after the reaping, even if there be a total loss, such as having been eaten by cattle, &c. or if there remain sufficient time for a second cultivation (in that year), they shall exact the tribute.

Eleventh, If the proprietor of land paying mowezzeff, cultivates it himself, and dies before he had paid the tribute of that year, and the harvest comes to the hands of his heirs, they shall exact the tribute from the heirs. If the aforesaid defunct died before he had cultivated the land, and there was not remaining sufficient time for cultivating it in that year, they shall not exact any thing.

Twelfth, In mowezzeff, if the proprietor gives his own ground in farm, or lends it to another, and the farmer, or borrower, cultivates it, the tribute shall be exacted from the proprietor: if either of them makes a garden on it, they shall demand the tribute from the farmer, or the borrower. If any one takes possession of (such) tributary land, and denies having done so, provided the proprietor has witnesses, and the usurper has cultivated the ground, they shall exact the tribute from the usurper: but if he has not cultivated it, they shall not exact the tribute from

either.

either. If the usurper denies the fact, and the proprietor cannot produce witnesses, they shall exact the tribute from the proprietor. In a case of mortgage, they shall act the same as directed concerning an usurper; provided the mortgagee has cultivated the land without the permission of the mortgager.

Thirteenth, In kheraj-mowezzeff: if a person sells part of his own tributary land, which is arable, and produces only one crop (in the year), provided there remains sufficient time to cultivate it in that year, and the buyer has taken possession (seeing that) if he wishes to cultivate in that year, no body can hinder him, therefore the tribute shall be exacted from him; but, otherwise, it shall be taken from the seller: if it produces two crops (in one year), one of which has been enjoyed by the seller, and the other by the buyer, the tribute shall be equally divided between them: if, on that land, there is a crop fit for reaping, the tribute shall be taken from the seller.

Fourteenth, In mowezzeff: if any person builds a house upon his own ground (which was cultivated), he shall pay the same tribute that he paid before; and the same, if he has planted trees that do not produce fruit. If a cultivated spot, that paid the kheraj-mowezzeff, is converted into a garden, and the whole closely planted with fruit-trees, they shall exact $2\frac{3}{4}$ rupees, being the rate for a garden, although the trees have not yielded fruit, excepting upon vines, and almond-trees, whereon tribute is not due until they bear fruit; but when they produce fruit, they shall exact from them $2\frac{3}{4}$ rupees, upon the supposition that a lawful begah, measuring 45 shahjihany, or 60 lawful guzsquare, will yield $5\frac{1}{2}$ rupees; but, otherwise, they shall take half of the actual produce. If the value of the produce is less than a fourth of a rupee, in the

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proportion of one seer out of five shahjihany seers of grain, they shall not take it according to such deficiency.

If an Infidel sells his land to a Musselman, notwithstanding his being a Musselman, they shall exact from him kheraj (mowezzeff).

Fifteenth, If any one dedicates his own land to the use of a public burying-ground, or for a serai, they shall consider the tribute to have ceased.

Sixteenth, In kheraj-mowezzeff:* every one who is not the (hereditary) proprietor of such kheraj land, whether Infidel or Musselman, having bought it, or taken it in mortgage, shall receive the profits, with permission of (government). From whatever is produced on that land, they shall exact the settled rate of tribute, provided it be not more than half (of the produce); in which case, they shall reduce it: but if it is less than the third, they shall increase it as far as they may deem fit.

Seventeenth. If the proprietor of mokossimeh land dies, and leaves not any heirs; in giving that land in farm, or to be cultivated, &c. they shall act in the manner already directed, under the head of mowezzeff.

Eighteenth. In mokossimeh: if any injury happens to the harvest, upon as much as is damaged they shall not exact the tribute: and whether the injury happens to the grain before or after reaping, they shall exact the tribute from (only) what remains (good).

* It is to be observed throughout the whole of this firmaun, that the word *tribute* is invariably given as the translation of *kheraj*, by Mr. ROUSE: whereas, in the Chapter on Tribute and Taxes, in the Ayeen Akbery, translated by GLADWIN, page 350, vol. i. *kheraj-wezeefa*, or *mowezzef*, means a certain share of the produce of the soil, settled with the husbandman in money-rent or in kind, according to his ability; and that the *proprietors* here named, are always necessarily understood to be the *ryots*, who are the only cultivators of the land.

NO. III.

No. III.

TRANSLATION OF A FIRMAUN OF THE EMPEROR AURUNGZEBE ALUMGEER, IN THE EIGHTH YEAR OF HIS REIGN. FROM THE RAMOOZAT ALEMGERY.

TO the promoter of utility and advantage, obedient to the true faith, RISSHUK DOSS, living in hopes of the bounty of the empire, be it known, as all our august desires and designs, elevated to the sky, have for their object the increase of the culture and population of the country, and the happiness and ease of the ryots, the highest trust of the Almighty Creator, the idea of whose dignity is immense: and upon inquiry lately made into the state of the affairs of the *pergunnahs*, of the *khalsah shereefa*, and of *tavieldars*, from the ministers of our empire, it has come to our sacred knowledge, that people, such as *ameens* of the *pergunnahs*, in our dominions, adverting to the amount produced in the most favourable years, and some late years, and the quantity of land which will admit of cultivation, the ability and circumstances of the ryots, and other objects of moment, do, in several of the villages in the *pergunnahs*, fix the *jummah* at the commencement of the year; and if any of the ryots of the villages do not consent to this mode, they settle the *jummah* at the time of the harvest, by a measurement of the lands, or by ascertainment of the produce *(cunkote)*, and in many of the villages, the husbandmen and tillers of which they know to be in a state of poverty and distress, they settle with such men by taking a proportion of the grain, either an half, a third, two-fifths, or more or less, and at the end of the year,

year, they transmit to the royal *dufter*, according to established customs, general accounts of the specie realized, having first authenticated them; and these accounts are also confirmed by the *crories*,* and signed by the *choudries* † and *canongoes*; but no account of the lands in each *pergunnah*, specifying the exact produce of each, and distinguishing the different articles of the *khurreef* and *rubbee* harvests; viz. what quantity of a superior value, and what of an inferior, was produced in the last year, and what increase, or diminution in the present year, comprehended with the former, or an account of the number of cultivators in each village, distinguishing the farmers, ryots, &c. comes to the royal *dufter*; by which the state of the mehal [farmed district, or village] and the condition of the *mutsuddies* of such *mehal*, with respect to the deductions that have been allowed by them from the jummah, as first settled on account of deficiencies in the collections of the *mehal*, proceeding from a scarcity of rain, a severity of cold, cheapness of grain, or such other causes, do not clearly appear. If they make themselves perfectly acquainted with the state of the cultivators, and produce of each village, and act from a perfect knowledge thereof, and take pains in the culture of the lands which will admit of cultivation, and for the improvement of cultivation, in order to effect the increase of the revenue to its full amount, the *pergunnahs* will flourish and be in a state of plenty, and the condition of the ryots will be happy; an increase will also appear in the produce. And, in case of a calamity, the loss will be mitigated by the additional cultivation. The royal order, requiring the obedience of the world is issued, that you (RISSHUK DOSS) make yourself acquainted with the state of every village in

* Official zemindars, before the common use of this latter designation, in the financial management of a district assessed originally for a *crore* of daums.

† Lesser zemindars.

the

the *pergunnahs* appertaining to your *dewannee* and *ameeny*, informing yourself what quantity is cultivated, and what uncultivated; and how much is produced every year of the superior articles, and what is the reason why the lands have not been cultivated. You will also inform yourself, what was the usage with regard to receiving the customs *(mahsool)* in time of his majesty, when rajah TUDOR MULL was dewan. Also, whether the rate of the duties *(sayer)* is the same as formerly, or, whether they have been increased since the commencement of our auspicious reign; and also how many villages are populous, and how many deserted, and what is the reason of the depopulation. After making yourself acquainted with the particulars, you will apply yourself to the promotion of an increase of population in the villages which have been deserted, and to the cultivation of these lands which will admit of it, by adhering to your word, being just to your engagements, and augmenting the produce of the superior articles. You will also, where a well shall have become unserviceable, put it in repair, and dig other wells, and fix such a jummah for them, that the ryots may obtain their rights, and the revenue may be collected with punctuality, and no oppression may be exercised upon a single ryot. You will also draw accounts every year, of the number of cultivators in each village, of the land which is cultivated and uncultivated, and of the wells; containing, likewise, information regarding the rain; the articles produced, both those of a superior and those of an inferior value; the requisites for cultivating the land which will admit of cultivation; the increase of the produce of superior articles, and the population of the villages which had been deserted during a course of years. You will also intimate the particulars of what may have been settled, exceeding the former practice; specifying the amount which may have been collected in the course

of

of the whole year. You will consider the following regulations, established from the beginning of the *khureef* (harvest), in the eighth year of the reign, and put them into practice accordingly: you will also direct the *aumils* of the district, and the jagheerdars, to observe them, viz. 1st, You will not give the *choudries* and *aumils* admission to you in private; but make it a rule for them to attend publicly at the *cutcherry*; and when the lowest ryots shall come to represent their case to you, you will make them your friend, by shewing them notice, and treating them with kindness; that they may not have occasion for the patronage of another, in order to express their wants. 2dly, You will direct the *aumils* to inform themselves, in the beginning of the year, of the cultivators in every village, the number of ploughs, and the portions of lands; and, should the ryots remain, to admonish them (every man according to his condition) to sow more seed, and promote a better harvest than that of the preceding year; also, to shew such an earnestness to cultivate articles of a superior nature in preference to those of an inferior, as not to leave more land, which will admit of cultivation, uncultivated, than they can possibly avoid. But should any of the men have deserted, the *aumils* will then inform themselves of the cause, and use every means to bring them back to their former habitation: they will also endeavour, by every satisfactory assurance and encouragement, to collect husbandmen from the circumjacent country, and dispose of the land covered with thickets, so as to cause it to be cultivated. 3dly, You will direct the *ameens* of the *pergunnahs* to act as follows: they will inform themselves, in the beginning of the year, of the state of the produce of each village, and the quantity belonging to each individual, and, with the minutest knowledge, form a *jummah*, having respect both to the advantage of the government and the

case of the ryots: they will transmit the *doul jummah*,* without delay, to the royal *dufter*. 4thly, After the formation of the *jummah*, you will be careful that the collections be opened at the proper time, and carried on conformably to the *kists* † which are established in each *pergunnah*, and that the persons be called upon who do not pay at the time fixed. You will also, every week, inform yourself, and issue your injunctions, that no balance be left in part of the *kist*. However, if it should happen that part of the first *kist* should remain unpaid, be careful that it be noted, to be collected in the second *kist*; but, at any rate, that it be paid complete in the third *kist*. 5thly, Settle proper *kists*, proportionable to the condition and ability of the ryots, for old balances; and direct the *crories* to collect the amount agreeably to the engagements; and yourself attend to the completion of the collections, and be careful that no delay be occasioned by the negligence of the *aumils*. 6thly, When you yourself investigate the state of the pergunnahs, in whatever village you may arrive, you will make yourself acquainted with the state of the produce, and value the ability of the cultivators, and the amount of the *jummah*. If, upon separating the *jummah*, it shall appear that the property of every ryot is just and equitable, it is well; but if the *choudry*, or *mocuddim*, or *putwary*, should have been guilty of oppression, you will encourage the cultivators, and redress them, and take away from any man the profit which he may fraudulently have reserved to himself. You will immediately apply yourself, with the greatest care and probity, to the formation and settlement of the present year, and the statement of the particulars of the balance in hand, and transmit a circumstantial account, that the official knowledge of the *ameens*, and your own good conduct,

* Gross annual settlement of revenue-rent.

† Monthly instalments of the revenue-rent.

may

may appear. 7thly, Continue the *nankar** and *enaum*,† agreeably to the established practice of the *khalsa shereefa*. You will learn in what respect the *aumils* of the prince may have increased them, and resume them, assigning for your reason, the amount of the balances which those servants have left uncollected in the jagheer since the time it was granted to the prince, and the deductions which they have taken, on the plea of failure of produce and accidents, and discontinue them in future; that, when they shall restore these *pergunnahs* to their original state, and the circumstances be represented to the huzzoor (the imperial court), every man may experience favour from the *huzzoor*, proportionably to the degree of his loyalty. 8thly, Establish it as a rule in the *fottah khanna* (treasury), that the *fottahdars* shall receive *siccas* coined in the reign of ALUMGEER: in case the rupees of this kind are not to be procured, they will take SHAH JEHANNY rupees, which are current in the *bazar*, and settle as *batta*, so as to render them equal to siccas; but they will never admit into the *fottah khanna*, rupees deficient in weight, which are not current in the *bazar*. If they should know, however, that, by returning these light rupees, they should retard the collections, they will take from the ryots a just and fair consideration for the exchange, and exchange them in their presence. 9thly, Should (which GOD avert!) a calamity from heaven bring distress upon the land, you will issue your most positive injunctions to the *aumils* and *ameens*, to watch the produce with the greatest care; and they will form a settlement with the minutest attention, agreeably to *hustabood*,‖ and never allow a general deduction; so as to leave the distribution of it in the power

* Subsistence in land, annexed to the office of zemindar.

† Religious or charitable donations from the crown.

‖ Former and present sources of revenue-rent, as collected from the ryots.

of

of the *choudries*, *canongoes*, *mocuddims*, and *putwaries*, that the lower ryots may obtain their right, and be secured from injury and loss, and that there may be no room for imposition. 10thly, With respect to the *batta*, and the prevention of expences, exclusive of the revenue and the prohibited taxes, which are a grievance to the ryots, having given the strictest injunctions to the *ameens*, *aumils*, *choudries*, and *canongoes*, take *machulkahs* (obligations) from them, that they shall never levy an increased *batta*, or any taxes prohibited or remitted by our court, from which mankind find protection; and make it the object of your constant attention, should any one of them be guilty of any such practice, and should not be restrained by punishment and coercive measures, write an account thereof to our presence, that he may be dismissed from his office, and another appointed in his room. 11thly, By means of Persian translations of the Hindoo accounts, you will make yourself perfectly acquainted with the particulars of the original revenue, and the taxes *(assul* and *abaub)*; the amount paid to government, the extra charges, and the fees; specifying what is received from each individual: in short, whatever sums are taken, on any account, from the ryots, and what part of it is paid into the *fottah khanna*, draw out an account of the remainder which has been embezzled by the *ameens*, *aumils*, *zemindars*, and others, with the amount against the names of each person; and, as far as possible, get together the rough accounts of all the villages of the *pergunnah*, and *translate* them: and if, by the absence of the *putwary*, or other cause, you do not get possession of the accounts of some particular villages, supply these accounts by a comparison of those of the villages collectively, and insert them in the general account. It is necessary that the dewan, after the general accounts are prepared, atten-

attentively weigh and consider them: if they are drawn out conformable to usage, let him keep them, and call upon the *choudries*, *canongoes*, *aumils*, *mocuddims*, and *putwaries*, for whatever sums they may have appropriated to themselves, exceeding their customary allowances. 12thly, Whoever of the *ameens*, *crories*, and *fotahdars*, conducts himself in his post with integrity and zeal, and acts on all occasions agreeably to the rules above-mentioned, performing good and faithful services; of him write an account, that he may reap the fruits which he may merit by his integrity and good conduct; and if any one acts contrarywise, intimate the particulars to our presence, that he may be discharged from his office, called to an account, and meet with the punishment due to his demerits. 13thly, Collect the accounts, by means of the strictest injunctions, at the proper season. In the mehal where you may reside, keep a diary *(rosenamah)* of the collections on account of revenue and duties *(saier)*, and also a daily price-current *(nerknamah)*, and, with respect to the other *pergunnahs*, furnish yourself with a daily account of the collections made, and also an account of the balance in hand, every fifteen days; an *asthuttah* account-current of the cash in the possession of the *fotahdar*, and a monthly *jummah wassel bakee*; a general account of the *jummah*, *mujmil*, or close of the collections, *jummah bundee* and *jummah kurch* of the money in the charge of the *fotahdar*; all the accounts taken from the *aumils* every harvest *(fussil)*; and having examined them, whatever unauthorized charges may appear, you will cause to be refunded, and remit them to our royal *dufter*. Do not suffer the accounts of *khurreef* to be delayed till *rubbee*, nor those of *rubbee* till *khurreef*. 14thly, Having immediately obliged such *ameens*, *aumils*, and *fotahdars*, as may be discharged from their offices, to deliver

liver up their papers, scrutinize the accounts, and cause such articles as at the time of their being audited were not admitted, to be refunded, agreeably to the usage of the *dewanny*; and transmit to our royal cutcherry your accounts, with the particulars of the receipts on account of articles which have not been admitted, that they may be, by this means, acquitted from all further demands from our *dufter*. 15thly, Having prepared the dewanny proceedings agreeably to the usual form, transmit them to our royal *dufter* every *fussil*, under our seal and signature.

No. IV.

EXTRACTS FROM THE INSTRUCTIONS ISSUED TO THE ENGLISH SUPRAVISORS, APPOINTED UNDER THE GOVERNMENT OF MR. VERELST, A. D. 1769, TO THE DIFFERENT PROVINCES, FOR INVESTIGATING AND REGULATING THE COLLECTION OF THE EAST INDIA COMPANY'S REVENUES; WHICH BEING DRAWN UP IN THE TRUE SPIRIT OF THE INDIAN AND ASIATIC CONSTITUTION, UNSOPHISTICATED BY ALLUSIONS TO FEUDAL AND EUROPEAN INSTITUTIONS, COINCIDE WITH THE FIRMAUNS OF AURUNGZEBE, NO. II. AND III. IN THROWING ADDITIONAL LIGHT UPON THE GENUINE GOVERNMENT OF HINDOSTAN.

SECOND HEAD.

The State, Produce, and Capacity of the Lands.

THE first measure which should occur to your attention, in an inquiry of this nature, is to procure a complete *hustabood*, or rent-roll, with the number of begahs, or measures of land, contained in each district, according to the original surveys and measurements, and the method in which they were laid out and appropriated. The next is to fix the ancient boundaries and divisions. This being completed, you may proceed to trace the alterations which chance, favour, art, or oppression, have gradually produced in the face of the country, until the present time. Many portions of land have been added to, or separated from, the ancient divisions; these should be rigidly scrutinized, and carefully noted. The zemindars have enjoyed

joyed considerable tracts *rent-free*, on various pretences, and for various purposes. The abuses in the bestowal and sale of talooks, are notorious, being generally the reward of the creatures of government, obtained by unwarrantable means, and held with extraordinary immunities. The titles of the present possessors should, therefore, be examined, together with the valuation of such lands before they became talooks, and before their owners acquired that independent footing; so that some judgment may be formed of their real revenue, and in what degree the limitation of the grant is exceeded by the quantity now held. Charitable and religious donations, which successive princes have made—many through zeal, but most through vanity—form no inconsiderable part of some districts: and as it may reasonably be supposed, that in a course of years, the produce of such benefactions has been misapplied, and perverted, or that the particular persons or societies, in whose support they were granted, have fallen or decayed, it is expected that you diligently search into and report their true state. You are also to particularize the extent, production, and value of jagheers; the titles of the present possessors, &c. as in the talooks: of the lands called *coss*, which are under the immediate superintendance of government, for the want of farmers: of the *comar*, which are lands cultivated by contract: of the *ryotty*, which are tenanted by the natives on the spot; and of the waste lands, distinguishing such as are cleared, and have been neglected through a decrease of population, from such as are covered with jungle.*

These informations, provided they be derived from genuine authorities, and confirmed by an accurate inspection of your own, will enable you to compute what

* Wood, high grass, or reeds.

the

the productions of the country, deducting the consumption of the inhabitants, will yield for the purposes of commerce; and how far the wealth and prosperity of it may be augmented by an encouragement being given to the culture of any particular article, either as a necessary of life, or as a material in manufactures.

THIRD HEAD.

The Amount of the Revenues, the Cesses, or arbitrary Taxes, and of all Demands whatsoever, which are made on the Ryot, either by Government, Zemindar, or Collector, with the manner of collecting them; and the gradual rise of every new impost.

One capital grievance being the inequality of assessments, arising from the multitude of talooks and sequestered lands above-mentioned, you are to penetrate through the chicanery of those employed, and acquire an exact detail of every particular tax or cess; noting in what particular part of the country the burthen falls, where partial exemptions are allowed, and what is the equitable proportion to the whole. Another grievance, which is equal to the former, is the variety of demands which the collector from the *aumil* and *zemindar* to the lowest *pyke*, impose without any colour of license from government; some of which have been so long exacted and paid, that the ryots begin to imagine the oppression is sanctified by government, and is not the mere fraud of the collectors. The multiplying of superfluous agents, and inferior collectors, may be also deemed a source of extortion; and it is a very essential part of your duty to inform yourself in what respect their numbers have been causelessly increased;

ed; to enumerate their perquisites, and how much they may be supposed to exceed them. As likewise the expence and arrangement of gauts and public markets, with the duties collected at each, upon the inhabitants or traders, and the application of sums to be levied.

Drogahs, *cutwalls*, and *pykes*, maintained for the protection of the tenants, are, it is to be feared, too often the instruments of their oppression; at least fall very short of the end proposed by them. Accounts should be taken of their number and expence, how they are arranged, and how paid.

A third, and equally important object of your attention, under this head, is to fix the amount of what the *zemindar* receives from the *ryot*, as his *income*, or *emolument*; wherein they generally exceed the bounds of moderation, taking advantage of the personal attachment of their people, and of the inefficacy of the present restrictions upon them; since the presence of the *aumil* more frequently produces a sense of collusion, than a wariness of conduct. When the sum of the produce of the lands, and of each demand on the tenant, is thus ascertained with certainty, the proportion of what remains to him for the support of his family, and encouragement of his industry, will clearly appear, and lead us to the reality of his condition.

Amongst the chief effects which are hoped from your residence in that province, and which ought to employ and never wander from your attention, are to convince the ryot that you will stand between him and the hand of oppression; that you will be his refuge, and the redresser of his wrongs; that the calamities he has already suffered have sprung from an intermediate cause, and were neither known nor permitted by us; that honest and direct applications to you will never fail producing speedy and equitable decisions; that, after supplying the legal due of go-

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vernment, he may be secure in the enjoyment of the remainder; and, finally, to teach him a veneration and affection for the humane maxims of our government.

The State, Produce, and Capacity of the Lands.

It will require your greatest attention and application, to enable you to form a general and particular hustabood, or rent-roll, of the districts. You may, perhaps, find what is called a hustabood in the sudder, or principal cutcherry: but this, instead of satisfying, must stimulate your curiosity; for the contents of it are merely adapted to the private interests of the zemindars; filled with representations designedly disguised, to square with their offers and accounts with government; loosely, unfaithfully, and partially formed in every instance. In fact, they can supply you with little more than a progressive history of the present dismemberments, and only suggest to you the degree of oppression which the multiplication of collectors and charges has, on that account, from time to time, brought upon the ryots.

After this, you are to proceed to a local investigation of the quantity of lands, and their rents, which is to be performed by visiting each division yourself, and calling upon the zemindar, or head collector, for the hustabood of the division under his management. But you are not to content yourself with this: from hence you are to descend to the sub-divisions of the grand district, and to the small cutcherries of each collector, however inconsiderable; and this will procure you a list of the pottahs, as distributed to every ryot, and supposed to contain the quantity of land possessed by each, and the amount of rent with which it is charged. Thus you will be enabled to ascertain how far the hustaboods, given in by the collectors of the grand divisions, differ from the hustaboods of the lesser, from the

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principal down to the smallest sub-division: and, by taking the sum of any number of pottahs in any particular place, and comparing the amount of those pottahs with the amount specified in the hustaboods, you will arrive at a medium certainty of the excess or deficiency of the lands and rents as rated therein: and accordingly as the error or fallaciousness of the accounts shall appear to require it, you are to cause an exact measurement to be taken of portions of lands in different places, in order to arrive at a judgment of the whole from the proportional parts: and that no collusion between the zemindars and collectors may retard, elude, and counteract these important inquiries, the fear of losing their zemindarry, or employment, should be held up to them; and if you find the association against you strong and obstinate, upon a representation, and ample proofs, of his misconduct, produced to me, you may be assured that examples shall be immediately ordered, and every delinquent be made sensible that there is no room for lenity, where collusive oppression is continued in defiance of all restriction. The ryot, too, should be impressed in the most forcible and convincing manner, that the tendency of your measures is to his ease and relief; that every opposition to them is rivetting his own chains, and confirming his servitude and dependence on his oppressors; that our object is not increase of rents, or the accumulation of demands, but solely by fixing such as are legal, explaining and abolishing such as are fraudulent and unauthorized, not only to redress his present grievances, but to secure him from all farther invasions of his property.

I must here introduce a remark, which I recommend to your particular attention: if it should happen, that some very authentic and positive evidence is required to establish a particular suspicion, or that you are inclined to distrust an information; there is one, and indeed only one, safe

and easy method of proceeding. Select an intermediate person, unsuspected either by the officers of the government or your own dependents; give him his orders yourself, and let him choose another of the same occupation with the person from whom you would seek the information, who may be so entirely removed from you, and so particularly connected, as to create no surmize of his commission; and let him, with the confidence and familiarity of an equal and fellow-sufferer, pretend to consult the other on his grievances, and the means of redress: this will naturally produce the same openness on the other side; and he will readily obtain a sight, or copies, of any papers, agreements, &c. which may be wanting; and you will be in possession of them before the alarm of an inquiry can spread among the guilty, and give them an opportunity of combining against you.

On the contrary, were those precautions omitted, and a publicly-denounced scrutiny attempted, you must have a thousand obstructions to contend with, which are all obviated by the above mode of secrecy, and the use of intermediate agents, whom you may employ to any number, and contrive to check in such a manner as will deprive them of the power of deceiving you. Small rewards may likewise have weight, and ought not to be neglected; and it is not to be doubted, but that, by a proper and prudent application of them, joined to the above-mentioned hints, you will become master of a perfect and extensive intelligence of every circumstance, however minute and enveloped. The evasions and artifices which are familiar to the natives of this country, have often been successful in screening them from that open and manifest detection which can justify punishment. The good consequence of that positive evidence above-mentioned, in any cases where the zemindar, or collector, are concerned, and rely on

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their customary defences, will put it in your power to call them to a public examination, and render their crime and their punishment equally notorious, without subjecting the authors of your information to the resentment of the zemindars, or the obloquy of their neighbours.

Having thus obtained sufficient and authentic accounts of the rent-rolls of the districts, by searching their respective hustaboods, surveying and measuring the lands which appear rated above or below their real value and extent, you are to bring your investigation home to the zemindar. For this purpose, the records are to be consulted; and the periods most applicable to the design seems to be these three; the government of SUJAH CAWN, of ALIVERDY CAWN, and the present. By collating the hustaboods given in by the zemindars, with those you can obtain from the smaller districts, you will distinguish the quantity of land which they have usurped from the government, and enjoy for their own use and advantage, free of rent. And again, by opposing the sum of the pottahs of any particular space in any sub-division, to the sum stated in its hustabood, you will also lay open the shares which the petty collectors and their dependents have acquired for themselves, after the example of their principals; for this species of fraud is carried on by general connivance, from the heads to the lowest denominations. All lands which are found to have been thus illegally dismembered, are to be immediately re-annexed, and a resumption set on foot by government.

Besides these advantages, which the zemindar possesses by the secret appropriation of land, and has secured to himself by partial hustaboods, he has an originally-allowed title to the freehold of some lands, and to the enjoyment of some perquisites; but abuses have crept alike into them all. The meaning and intent of his being indulged with such exclusive possessions, was to supply his family with

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the necessaries and conveniencies of life. Under the name of nejaut and nankar, one spot was to yield him rice; another was allotted to him as pasture; a particular tank was to afford him fish and water; and, in like manner, distinct spots were given up to him for every distinct article of consumption. Though this indulgence was confined to this purpose only, there is just cause for supposing that he has extended his claims, and availed himself of opportunities to lay his hands on the revenues of the government, and on the property of the ryots, where he has no foundation of right, nor colour of pretence.

The nuzzer-anna, which is called sedee, and consists both in provisions and money, is an instance of it; and neither he nor his attendants move from one place to another, without demanding and exacting it from the inhabitants of his district; a custom which ought to be permitted only under restrictions, and in a manner that the ryots may not wantonly be despoiled, but the demand limited to a reasonable contribution.

Another considerable source of profit to him, is the levying of fines at will, which is a power that ought to be totally extinguished. He likewise raises large sums from duties collected in the markets, and assumes an authority over the ryots, to require their labour gratuitously; which sometimes might be allowed, were not the poor labourer too often taken, under this pretence, from his own immediately necessary duty, to attend the mere arbitrary pleasure of his zemindar, who receives large presents out of the various productions of the district, which, though intended originally for his own private consumption, is often sold by his dependents. Add to these, he frequently claims a batta on rupees at an arbitrary valuation, which is an illegal perquisite, and ought to be discontinued in future. These, and all such excesses, in the zemindar, which need

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not be here mentioned, as they will open to you as you proceed, should be retrenched; and all his emoluments of every kind be reduced, to the fulfilling the purposes for which they were granted, and there bounded.

The talooks, jagheers, and charitable or religious donations, come next under consideration. You are to call for a particular account of all lands which are held on these tenures; and, that every motive to concealment may be destroyed, it should be particularly notified, that whatever proprietor delays reporting his name, and the state of his grants, or purchases, after a time prefixed, is to forfeit them to the government. By taking care to fix the period for registrating their sunnuds far beyond what is necessary, you will anticipate all pleas which may be presented in behalf of neglects, and have no room to dispute the equity of the forfeiture.

I have before taken notice of the undue means of obtaining talooks, which are either bestowed on some favourite or underling of the government, or purchased by one individual of another; but as the title cannot stand clear or valid, without a confirmation of it from the nabob, in both cases, where such cannot be made appear, the title becomes void, and the talook reverts to the government.

For these reasons, you should enter deeply and strictly into the merits of the talookdars, with respect to their families, their connections, and pretensions; and particularly remark the flaws and exceptions which occur to you.

The increase in the number of talooks has been highly impolitic, and detrimental to the general prosperity, and to the diffusion of population in the country. The tenants of a talook are possessed of so many indulgencies, and taxed with such evident partiality and tenderness, in proportion to the rest, that the talooks generally swarm with inhabitants, whilst other parts are deserted; and, in addition to

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the natural desire of changing from a worse to a better situation, incitements are frequently employed by the talookdars to augment the concourse to their lands. They have also, at favourable seasons, when the government was busied in other affairs, or weakened by faction, made considerable encroachments, and most probably possess extensive tracts beyond the original grants. Now, it ought to be remembered, that the welfare and good of the whole was never intended to be sacrificed to the enriching of a few, perhaps worthless, individuals; who can shew no pretence to these peculiar advantages, but a prostitution of their integrity to their avarice. Your aim must, therefore, be to remove all distinctions, to bring every man upon a footing with his neighbour, to lighten the burden on the whole, by making it equal and impartial, and to enforce the surrender of lands unlawfully possessed.

Jagheers are always, as talooks are sometimes, rewards to particular persons; but differ from them in being gifts from the crown, confirmed only by the Nizam. The grants are either hereditary, or expirable with life: the same accounts are to be taken of them. Defective titles in the jagheerdars, and a transgression of the order for appearing and registering their sunnuds, are to be attended with the same consequences.

As to the charitable or religious donations, the lands so sequestered are to be estimated, with regard to their extent, productions, and value: if the amount appears to exceed the endowment of the institution, the overplus should be brought to credit; if the inhabitants are decayed or perverted, they should be entirely abolished, and the revenues re-assumed by government.

The *coss* lands, which are superintended by government, for want of farmers, are specified in the accounts of the sudder cutcherry. As it imports us to know whether accidental

cidental causes, or malversations of the managers of such lands, have been the primary cause of their decay, you will make a full and circumstantial report thereof. And as it may be apprehended that since their falling under the hands of government, the time and the attention of the public officers have been employed rather in gleaning the small remains of substance from them, than in nourishing and recovering them from distress, their conduct should be examined. The truest test of it will be your ascertaining the produce of the lands under the last farmer, before they became *coss*, and what has been received from them since, which will point out the improvement or decrease by their superintendance; and if it should be found that the lands have been falling instead of rising in value, there can be no doubt of the unfitness of such men, nor any hopes of seeing the coss lands peopled, cultivated, and prospering, under their hands. After a due consideration of their present state, public notice should be given that we are ready to receive offers for farming them, at a term of two, three, four, or five years, at an annual increasing rent, at the end of which period they are to pay the same as other lands, and to be subjected to all orders, which may be occasionally issued by government, for the regulation of the revenues and country in general.

The *comar* lands, having no native tenants, are cultivated by contract. The custom and terms of contract are various in various districts, but in general there is one settled rule. An advance in money is made by the zemindar to to the cultivator, by the help of which he tills and improves the land. When the crops are cut and gathered in, they are generally divided between the cultivator and the zemindar, from one-third to one-half to the cultivator, and the remainder to the zemindar; when the former accounts to the latter for the advances, which are often taxed

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by the zemindar with a heavy interest, or fraudulently exceeded by an arbitrary valuation, far below the market price of the goods or products of the land in which he is paid. Your object is to inform yourself what the cultivator really receives for his labour, and in what he is injured; and secondly, what the zemindar embezzles and secretes from government, by an under-valuation of the productions of the soil which he thus receives, sinking the amount of the returns, and by other means which serve to deceive us, and obstruct the progress of cultivation in these lands; in all which, I apprehend, you will find no difficulty, if you only ascertain the amount and market price of these products, and compare them with what the zemindar brings publicly to the credit of government: and comparing the accounts of the zemindar with those of the cultivator, it will expose the total of his undue acquisitions, enable you to penetrate through the arts of concealment, and give you a thread by which to unravel the whole gradation of collusive fraud in this particular. As the unequal diffusion of inhabitants has been the cause of this scarcity of cultivation in different parts, every expedient should be used to encourage people to settle on the comar and waste lands, that they may be converted into *ryotty*. The great towns, whose populousness only serves to propagate poverty and idleness, might undoubtedly afford numbers of useful hands, who, in their present situations, are either a burthen or a pest to the community. These should be sought out, and taught to apply to culture, setting such prospects and expectations in their view as will engage their consent. The talooks and jagheers will likewise be found to contain many idle, and these unserviceable hands, who may, in like manner, be induced to transplant themselves to these lands, and become farmers.

Lastly, I shall speak of the *ryotty* lands. The quantity

in measurement, as well as revenue, will appear from the several pottahs granted after the inquiry before recommended; and the amount of product in kind, you will acquire by ascertaining what is really produced on some portions of land of each different soil, which you may select for this purpose, and so draw a general medium of the product of the whole ryotty.

This you may further check, by a comparison of the amount total with that of the comar, which, being received in kind by the cultivator and landlord, the aggregate may be more truly and readily known. In the same manner the produce of jagheer lands, talookdarries, and lands for religious purposes, may be also obtained.

You will doubtless readily meet with an account of waste and uncultivated lands, as they stand recorded in the cutcherries; but here you will probably find a large field of collusion, for whatever lands have been once wrote from the revenue under this head, though possibly deserted but for a short time, little has seldom been brought on again to the public credit. This will appear by your taking accounts of the waste lands, as they stand recorded at different periods of time, and from them noting their gradual increase or decrease. Nothing can ascertain the present state of those lands so well as a local investigation. You will probably find them to be a fund to the zemindar or collector, for their creatures or dependents, who enjoy many flourishing and fertile tracts thus denominated, all which should be immediately resumed.

Having thus clearly distinguished the amount measurement of the several lands, and their products of kind, as also the land revenue, the lesser, or arbitrary taxes, must engage your attention. On these subjects I have already spoken in part, and shall now consider what is yet to be done by you.

The truth cannot be doubted, that the poor and industrious tenant is taxed by his zemindar, or collector, for every extravagance that avarice, ambition, pride, vanity, or intemperance may lead him into, over and above what is generally deemed the established rent of his lands. If he is to be married, a child born, honours conferred, luxury indulged, and nuzzer-annas or fines exacted, even for his own misconduct, all must be paid by the ryot; and what heightens the distressful scene, the more opulent, who can better obtain redress for imposition, escape, while the weaker are obliged to submit.

To obtain an account of these cesses, or imposts, there cannot be a more certain method than what I have before recommended, of getting from the ryot himself a statement of what he actually pays over and above his established rents: and from this you are to draw a medium amount of the cesses levied upon the whole. This should be set against the amount of the established rents of lands so cessed. You are then to obtain the amount revenue of all jagheers, talooks, charitable and religious donations, and inform yourself whether they bear any part, and what proportion, of this burthen, in order that a comparative view may be drawn of the partiality of these cesses, and what proportion they bear to the lands and revenues of the whole province.

The number, distribution, and pay of drogahs, cutwalls, and pykes, are next. Their maintenance arises from lands set apart for their use, but they are known frequently to exact articles of provision and other things from the ryots, and possess too great a latitude over the property and persons of the poor.

You must call upon the zemindar for a list of these pykes, and their stations, and inquire how far they answer the purposes of their institution, or have been multiplied without cause. You should endeavour to point out

out another and better method of providing for and restricting them in their duty; an established allowance, or something which may be determinate, and not tend to the exercise of any power beyond that of their duty, would be most suitable; and on this plan I recommend it to you to reform them.

A list of gauts and public markets is also to be procured from the zemindar, together with a list of the established duties ordered to be collected at each. This being obtained, you are to inquire how far the drogahs and cutwalls have been guilty of levying undue and illegal duties on the trader or inhabitants. A minute inquiry into their conduct and accounts, on the spot, is necessary to effect this. Persons should be applied to, who can produce the exact amount of goods they have themselves passed at the gaut or market, and the duties they have paid, as a check to the accounts given in by the drogahs and others. At the markets and gauts, situated on the borders of the province, should be kept an accurate account of all exports and imports, specifying the amount, sortment, and quality of each article, with the duties upon each, that the proportion which the exports bear to the imports may be estimated, and a just opinion formed of what assistance the province may need from, and in what degree it can contribute to, the supply of its neighbours, and the purposes of commerce.

Having by these means obtained an account of all public and private collections and impositions on the ryot and trader, you will have a set of materials in your hands, from which you may venture to form a real hustabood, to contain the quantity, productions, and rent of all cultivated lands under government, and likewise the quantity, productions, and value of all jagheers, talooks, charitable and religious donations, which you will draw up according to the form accompanying, and transmit to me, with such

annexed remarks, observations, and proposals of your own, as you may judge important and conducive to the improvement of the lands, the content of the ryot, the extension and relief of trade, the increase and encouragement of any useful manufacture or production of the soil, and to the general benefit and happiness of the province, in every consideration and point of view.

One thing more remains for me to add, which is, that at the expiration of every year, the accounts of the province are to be closed, and that a separate and early state of balances be made up, noting the causes of their being incurred, and transmit the same to Murshed-abad; and you are not to suffer the accounts of one year, in any point, to interfere or be blended with those of another.

No. V.

EXTRACT FROM LORD CORNWALLIS'S MINUTE, IN REPLY TO SIR JOHN SHORE'S, UPON THE SUBJECT OF THE ZEMINDARS TAXING THE RYOTS.

"IF Mr. SHORE means, after having declared the zemindar proprietor of the soil, in order to be consistent, we have no right to prevent his imposing new *abwabs*, or taxes, on the lands in cultivation; I must differ with him in opinion: unless we suppose the ryots to be the absolute slaves of the zemindars, every begah of land possessed by them, must have been cultivated under an express or implied agreement, that a certain sum should be paid for each begah of produce, and no more. Every *abwab*, or tax, imposed by a zemindar, over and above that sum, is not only a breach of that agreement, but a direct violation of the established laws of the country. The cultivator therefore has, in such case, an undoubted right to apply to government for the protection of his property; and government is at all times bound to afford him redress. I do not hesitate, therefore, to give it as my opinion, that the zemindar neither now, nor ever, could possess a right to impose taxes, or *abwabs*, upon the ryots; and if, from the confusion which prevailed toward the close of the Mogul government, or neglect, or want of information since we have had possession of the country, new *abwabs* have been imposed by the zemindars, or *farmers*, that government have an undoubted right to abolish such as are oppressive, and have never been confirmed by a competent authority, and to establish such regulations as may prevent the practice of such abuses in future.

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"Neither is the privilege which the ryots in many parts of Bengal enjoy, of holding possession of the spots of land which they cultivate, so long as they pay the revenue assessed upon them, by any means incompatible with the rent to the purchaser.

"Neither is prohibiting the landlord to impose new *abwabs*, or taxes, on the lands in cultivation, tantamount to saying to him, he shall not raise the rents of his estate. The rents of an estate are not to be raised by the imposition of new *abwabs*, or taxes, on every begah of land in cultivation; on the contrary, they will in the end be lowered by such imposition; for when the rate of assessment becomes so oppressive as not to leave the ryot a sufficient share of the produce for the maintenance of his family, and the expences of cultivation, he must at length desert the land. To permit him to dispossess one cultivator, for the sole purpose of giving the land to another, would be vesting him with a power to commit a wanton act of oppression, from which he would derive no benefit," &c.

THE END.

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